THE Justice of Peace HIS CALLING.

A Moral Essay.

Τίς μὲν γὰρ ἂν ἐν φρονῶν ἡδέως παρ' ἀνθρώποις φθονοῦσιν αὐτῷ ζώη; τίς δ' ἂν δημοσίον τι διοικῆσαι προθυμηθείη. μέλλων, ἂν μὲν ἀποτύχῃ, δίκην ὑφέξειν· ἂν δὲ κατορθώσῃ, ζηλοτυπηθησέσθαι. Dion. Cass. lib. XXXVI. Pag. 13.

Provida severitate cavisti, ne fundata Legibus Civitas, Eversa legibus Videretur. *C. Plin. Pan. Traj. Cap.* XXXIV.

Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the Poor, nor honour the person of the Mighty: but in righteousness shalt thou judge thy Neighbour, Lev. 19. v. 15.

LONDON,
Printed for *George Wells* at the *Sun* in St. *Paul's* Church-yard, 1684.

Author a Justice of Peace. See Page 7

THE PREFACE TO THE READER.

THe firſt thing that is uſually inquired after in a Book, is, who writ it? and according as the Author is liked or diſapproved, the Sentence often is paſſed without taking the pains to examine one tittle of it.

Could my Name have given any reputation to the Book, it had perhaps not been concealed; but I am none of thoſe, who have acquired any Fame in the World, nor of them that deſire it.

The only deſign of theſe following Leaves, is, to do good; and if I may attain my end, I deſire no thanks: And if I miſs it, I am as unwilling to reap Reproaches or Hatred; ſo that if I may but be unknown, it is all I aſpire to.

I am forced by my Subject, to reflect ſometimes ſharply on the Follies, and Vices

of Men in Authority, and I must expect this will anger them, and it will be a much easier Task (in revenge) to inquire into my faults, than to amend and reform their own; and if they can find me as culpable as themselves, this will be taken for a sufficient reason, why they should not endeavour to be better, because their Reprover hath his faults, as well as they, and, it may be, greater.

The Author of the Whole Duty of Man, *and all those excellent Pieces that followed, is as much to be admired for his Prudent, and Modest Concealment of himself, as for any other thing; and Iam fully perswaded that those pieces have done the more good in the World, because they seem to drop from Heaven, and no man claims the Honour of having written them. And as I have endeavoured to imitate that brave Man: so I shuld esteem it a mighty happiness, if I might be as little known, as he, and this discourse might but prove half so useful to the World, as any one of his have done.*

It was long since observed by Cicero, "*That there was not any sort of Life, whether Publick or Private, at home or abroad, whether a man conversed with others, or himself only; which was destitute of its peculiar Rules, and that the*

"*Excel-*

" *Excellence of Life conſiſted in Acting ac-*
" *cording to them, all as Turpitude did in*
" *neglecting them. And the Lord* Bacon *in his Seventh Book of the* Advance-ment of Learning, *having diſtributed that part of Morality, which relate to the Duties of Men, into the General, or Particular or Reſpective, according to every mans Profeſſion, Calling, State, Perſon, and Degree, thus goes on.* " *The firſt of*
" *theſe, I have already obſerved, is di-*
" *ligently Cultivated, and Explicated by*
" *the Ancients, and others: and the latter*
" *is by Parts alſo treated of, though I ne-*
" *ver found it reduced into any perfect body*
" *of Science, nor do I blame the thus hand-*
" *ling of it in parts; and perhaps it is bet-*
" *ter ſo to do. For who is of that Capacity*
" *or Confidence, that he either can or dare*
" *undertake to diſcourſe and define perti-*
" *nently, and to the Life, of the particular*
" *and Relative Duties of all Orders, and*
" *Conditions of Men? And thoſe diſcour-*
" *ſes of ſuch Subjects as theſe, which are*
" *deſtitute of Experience, and are only*
" *drawn from a General Knowledg, and*
" *Scholaſtick Learning, for the moſt part*
" *prove vain, and uſeleſs. For though the*
" *Stander by do ſometime ſee more than the*
" *Gameſter; and there is a Proverb which*
" *is more bold, than ſound, as it relates to*

" *the Cenſure of the Rabble concerning the* " *Actions of Princes,* That he that ſtands " in the Vally can beſt view the Moun- " tain, *yet it were much to be wiſhed, that* " *no man would concern himſelf with theſe* " *ſorts of Subjects, but he that was very* " *expert, and well acquainted with them.* " *For the diſcourſes of Speculative Men on* " *Practical Subjects, ſeem nothing better* " *to them that are Converſant, and acquaint-* " *ed with them, than the diſcourſes of* " *of* Phormio *concerning War ſeemed to* " Hannibal, *who took them for mere* " *Dreams, and Deluſions. But there is one* " *fault uſually attends this Experimental* " *ſort of Writers, that they never know* " *when they have commended, and Extolled* " *their Province enough.*

Thus far that Great Man hath diſcourſed of theſe ſorts of Duties, but I having him in Latin *have perhaps taken off ſomething of the Elegance of his Stile, by turning it into* Engliſh: *yet it will give the Reader his ſenſe of theſe undertakings, and whether I have done my part well or ill belongs not to me, but to him to determine; only I will aſſure my Reader I did not conſult many Books for it, but I have rather endeavoured to repreſent things as I found them by Experience.*

Nor

Nor do I know of any one who before me hath made any ſuch Attempt, for tho many have written the Law-part both in former times, and of late; yet the Moral part is either totally neglected, or only to be found in Sermons, or ſome hints in other diſcourſes, which are very much too ſhort to give a clear, and ſatisfactory Account, and too much diſperſed to be ſuddainly Collected.

Tet there is hardly any Subject, that more deſerves or needs a diſcourſe of this Nature, whether we conſider the Office I treat of, or the perſons that are employed in it.

The Office of a Juſtice of Peace is of a vaſt extent, and if my Reader be but pleaſed to conſult the Heads of this diſcourſe, he will find it is no barren Subject for Moral Reflections: there is no one Virtue in the World of which a Juſtice of Peace, as ſuch, will not ſometimes ſtand in need, and there is no Vice neither, which will not look worſe in him then in another man; but I have only ſelected them that were moſt pertinent to my Subject, and for the reſt my Reader may much better conſult other Writers.

And I have endeavoured to diſcourſe of Virtues, and Vices, in another manner then the Moraliſts uſually do, and it did well be-

fit me ſo to do, while I conſidered them as the Attendants of a publick perſon, which had a great influence upon the Community. For a good Juſtice of Peace is a publick bleſſing, and does more good by his example (or might do; if ſuch were not too uſually envied, and hated) than by his Authority.

And again, a Wicked Ruler by his ill example corrupts more, than he can reform by his Severity.

If we conſider the perſons, that execute this Office, ſuch a diſcourſe muſt needs be very uſeful; for tho the Arch-Biſhop of Canterbury, *and his Majeſties Privy-Counſellors, and thoſe Judges that go the ſeveral Circuits, and, in ſhort, almoſt all the Great Miniſters of State and Great Men of the Nation, are a part of them, and are named in all the Commiſſions; yet the perſons who reſide in the ſeveral Counties, and do actually execute the Office, are for the moſt part, Noble-men, and Lay-Gentlemen, or Lawyers; whoſe Education hath not generally neceſſitated them to thoſe Studies, that are requiſite to fit them for ſuch Moral Reflections, and thoſe, that are beſt acquainted with them, will yet be pleaſed perhaps to ſee this diſcourſe ready laid together to their hands, and I am not without all hopes that ſome, or other may be ſo far diſpleaſed with what I have done,*

as

as to do it better; for I will not deny that the Subject deſerves a better Head, and Pen than mine: and it would pleaſe me to ſee the uſe of this ſuperſeeded by a better.

But till this is done, I have only one Requeſt to make to my Reader, That he would candidly interpret what I have written; not out of a deſign to find fault, and inſtruct my Betters; but kindly to repreſent to them the lovelineſs of Virtue, and the baſeneſs, and turpitude of Vice, that ſo my Reader may from thence take occaſion to reform himſelf in what is amiſs, and to give God hearty thanks for preſerving him from the reſt of thoſe Crimes, which have not yet touched him.

And as for thoſe, who may take exceptions, I do aſſure them I never intended to reflect perſonally upon any one man in the World, and I fear there is no one paſſage in the whole Book, but what may too pertinently be applyed to too great a Number of Men, I wiſh it were otherwiſe.

But then this may be added to the other Reaſons I have given, why I have concealed my Name, to prevent the Rabble from making application of ſeveral of the worſt parts of my diſcourſe, to perſons for whom they were never intended, and if they can once find out one, they will preſently pretend they have found out all the reſt, and this

was meant of this man, and that of the other; and ſo I ſhall become accountable for all their wild Surmizes.

There is one other Exception which may lie againſt the whole, and that is, that by telling the World what ſort of men Magiſtrates ſhould be, I have given their Inferiours (who are alſo Naturally inclin'd to be more inquiſitive into the faults of their Superiours, then into that which is their own duty) too great a temptation to conſider what they are, or have been, and conſequently to undervalue, and deſpiſe them: but this is in their own power in great part to prevent, by reforming what would have betrayed them to the ſcorn of the Many, tho I had never been born; for Virtue and Vice were well underſtood before this little piece was thought of, and men ever were, and always will be accordingly eſteemed.

The late Lord Chancellor Clarendon, *in a Circular Letter to all the Juſtices of the Peace in* England, *bearing date the* 30th *of* March, 1665 *tells them,* "*I aſſure you* "*the King hath ſo great a ſenſe of the ſer-* "*vice you do, or can do for him, that He* "*frequently ſays, He takes himſelf to be* "*particularly beholding to every good Ju-* "*ſtice of the Peace, who is Chearful and* "*Active in his Place, and that if in truth* "*the Juſtices of the Peace in the ſeveral*

"*Divi-*

" *Diviſions be as careful as they ought to*
" *be in keeping the Watches, and in other*
" *parts of their Office (the keeping up their*
" *Monthly Meetings, and ſuppreſſing Con-*
" *venticles &c.) the Peace of the King-*
" *dom can hardly be interrupted within,*
" *and the Hopes and Imaginations of Sedi-*
" *tious Perſons, would be quickly broken,*
" *and all men would ſtudy to be quiet, and*
" *injoy thoſe many bleſſings God hath given*
" *the Nation under this happy Govern-*
" *ment.*

All this is certainly true, and tho the times were then, as they are now, very unquiet, and there was a formidable Conſpiracy then ſet on foot by the Republicans, and Diſſenters of the Nation, yet the ſole Vigilance and Care of the Juſtices of the Peace diſappointed it, and made it end in Smoke, to the Eternal Reproach, and Diſhonour of the Conſpirators, which ſhews the excellence and uſefulneſs of this Order of men.

Tet give me leave to ſay, that thoſe good Juſtices of the Peace, who are moſt Active and Chearful in their Places, are not always either the Richeſt, and Greateſt, or the beſt beloved, and moſt favoured by the reſt. And for this, Sir Thomas Egerton, *Lord-Keeper of the Great Seal, in the* 44th *of* Elizabeth, *in a Speech made the* 13th *of* February, 1601. *in the* Star-Chamber,

Chamber, *by her Majesty's expreſs Command, and Printed in the end of the* Hiſtorical Collections *of the four laſt Parliaments of her Reign, ſhall be my witneſs, who thus complained,* "*Is there any more* "*fervent than others, in the buſineſs of* "*the Common-wealth? he ſtreight hath* "*given him the Epithite of a buſie Jack:* "*but I know there be many good, and I wiſh* "*their number were increaſed; but who* "*be they? Even the poorer and meanner* "*Juſtices, by one of which more good co-* "*meth to the Common-wealth, than by a* "*Hundred of greater condition, and de-* "*gree.*

I wiſh this complaint were ſuperannuated, and that our times were quite otherwiſe, but alas ſuch Juſtices of the Peace muſt not only be content to hear worſe Language than this; but there is too frequently Combinations made amongſt the reſt, to croſs and quaſh whatever they ſhall propoſe, be it never ſo juſt, and reaſonable, and nothing alledged for it, but that they are mean, proud, buſie people, and will perk up too much above their Betters, if they be not thus mortified, and kept under, this is the worſt ſort of Reſpect of Perſons, that can be thought of, and moſt miſchievous and irrational, that whereas Envy ever riſeth by Nature, here it deſcendeth, and the Superiour,

riour, who ſhould love and cheriſh the Induſtry and Vigilance of his Inferiour, envieth and hateth him for being more ſerviceable, than he need perhaps to have been.

But let it be conſidered, who reaps the Advantage of all their Induſtry and Activity, but the King and Kingdom, and theſe very men, that thus ſeverely treat them; if there were none ſuch the Nation muſt needs in a ſmall time be ruined, for as the Lord Chancellor Clarendon *takes notice in the above Cited Letter.* "*So much Arti-*
"*fice, ſo much Induſtry, and ſo much dex-*
"*terity as this People (the Enemies of*
"*the Government) are poſſeſſed with,*
"*cannot be diſappointed by a Supine Negli-*
"*gence or Lazineſs in thoſe, who are in-*
"*veſted with the Kings Authority, or in-*
"*deed without an equal induſtry, dexteri-*
"*ty and combination between Good Men for*
"*the Preſervation of the Peace of the*
"*Kingdom, and for the ſuppreſſing of the*
"*Enemies thereof. Now if inſtead of this, the Juſtices of the Peace combine in Parties one againſt another, and the Great men will neither do the duties of their Places themſelves, nor ſuffer the meaner, but more active, to do it for them; what can be the event in the end, but this, That like a City beſieged without, and divided within, we muſt ſooner or later fall a*

Prey

Prey to our Enemies, without Remedy or Pity?

But if these great men were capable of Reason, there would be no need of this, and as they are not it is in vain to offer it, and therefore I must Address my next request to the Judges and Ministers of State, that they would sometimes enquire in to this, and without regard to the Fortunes or Titles of men, support and incourage the more useful (if occasion so require) against the more Potent.

I hope there will not be many occasions for this, but there may for what followeth, and therefore I will propose it in the words of the present Lord-Keeper *in his Speech to Mr. Serjeant* Sanders, *at the the time he was sworn Lord Chief Justice of the Kings-Bench, on* Tuesday *the* 23d *of* January, 1682. *Pag.* 8, 9. "*The Age is degenerate* "*and full of Faults; Faults of Irreligion,* "*Morality, Debauchery, Quarrelling, False-*"*ness and Faction, so full of Faults that it* "*requires more than a man to censure them,* "*You will therefore consider that inferi-our* "*Magistrates, and inferiour Jurisdictions* "*are to take a great part of this labour* "*off your hands, in that regard you* "*will upon all Occasions encourage and* "*direct them to make them useful to you,* "*and not overthrow their Proceedings*

"*upon*

" *upon every ſlight Exception, to drive*
" *People to begin their Proceſs here at*
" *greater charge. And when Juſtices of*
" *the Peace act candidly, tho not with ſo*
" *much skill in the Law, you will ſhew ten-*
" *derneſs to them, as Gentlemen that ſerve*
" *the King, and the Publick for nothing,*
" *and have not thoſe Aſſiſtances of Council*
" *and Officers that are here.*

It were, it may be, but reaſonable, that this tenderneſs ſhould not only be ſhewed to their Proceedings, but alſo to their Perſons and Eſtates, eſpecially thoſe of the meaner ſort, that ſo men may be the more eaſily induſed to undertake the Publick Service: as for inſtance, in an eaſie excuſing their Attendance at the Aſſizes, when they have no particular buſineſs, that doth require their preſence there. For ſeeing other Gentlemen of the like fortune, who are not Juſtices of the Peace, do ſeldom happen to be ſummoned above once in two years, it ſeems a little hard to force theſe to come twice in one year, merely to fill the Bench with unprofitable Spectators at ſo great a Charge to them, tho I know alſo that much may be learned by ſuch an Attendance, and there is no fear but as many, as can will take the opportunity of it; but this being but my private opinion, is ſubmitted intirely to the Judgment of my Superiours, and had not

been

been mentioned, but becauſe the reaſon my Lord Chancellour gives ſeems to extend to it.

The Lord Chancellor Clarendon *complains, in the Letter I have ſo often mentioned, "That many perſons, who are in the "Commiſſion of the Peace, neglect to be "ſworn. And tells us His Majeſty had "given Order to his Attorney-General to "proceed againſt them. This hath been often ſince complained of by the Judges of Aſſice in their Circuits alſo, but till the root of this miſchief be cut, it will never be otherwiſe, as theſe things now ſtand, no man that is in the Commiſſion of the Peace, can have this* Dedimus Poteſtatem, *without he pay about four Pounds for it: and it being an employment which can bring him nothing but expence, and trouble, it is no great wonder that men are not very willing to part with their Money for it, and ſo many having ſtood a year or two, and the Officers at laſt deſpairing to get any thing of them, are either left out gratis, or for a ſmall matter. So they that ſerve the King for nothing pay for it, and the reſt ſcape better cheap: and on theſe Terms it is no wonder if there be frequent occaſions for Complaints.*

But this is not all, worthy, and good men who are fit to ſerve the King, do thus avoid the

the ſervice,& they that are no way qualified for it, being more willing to part with their Money get into the imployment, which they manage accordingly.

To prevent all which inconveniencies, it were much more for his Majeſties Service, that the Dedimus Poteſtatem *were freely ſent down, and the Officers rewarded for it out of the Exchequer.*

But if this be not approved, it were better the Money were paid by the Treaſurer of the Diviſion, to which ſuch new made Juſtices belongs; and indeed ſeeing the Country will reap the greateſt advantage by it, it is moſt reaſonable they ſhould pay the Charge of the Enterance, which may be done by a ſhort Act of Parliament.

It would not be reaſonable only to make the Enterance into this Honourable, and Troubleſome Imployment more eaſie; but the execution too. And to that purpoſe, I will preſume to offer a few more Conſiderations to my Superiours. In many Caſes there are ſo many, and various Acts of Parliament, that a man knows not which to proceed upon, and they are ſometimes contrary one to another. Now if theſe were reduced into one, and all the reſt repealed, it would much facilitate the execution of the Commiſſion of the Peace.

For

For inſtance, there are a great many ſeveral Acts of Parliament, concerning the repair of the High-ways, and they all are difficult to be executed in relation to the chief thing, the Proviſion of Carriages, that depending upon the determination of a Plough-Tilth, *which no body knows what it is, and yet if it were never ſo well known, that would not mend the matter much, becauſe conſiderable quantities of Land would never be brought into this ſo neceſſary Work, what quantity ſoever were aſſigned to it, and many rich men would do little or nothing, and leave the burthen upon the poorer ſort of men.*

14 cap. 6. 22 cap. 12. *There have been two or three Temporary Acts of Parliament made ſince his Majeſties Reſtauration, to enable the Surveyers to repair the Ways by a Rate or Land-Tax, but they are all expire'. Now, if this courſe were ſettled forever for the Carriages, and only the Cottagers tied to do ſo many days work, all the other Acts of Parliament might be ſpared.*

But it would not be amiſs then to give the Juſtices of the Peace power to determine what ſhould be paid by the Load for Sand, Gravel, and other materials taken out of private mens grounds, or the waſts of other Mannors, where there is a want within the reſpective Pariſhes, without obliging them

them to fill up the places, which is ſometimes impoſſible, for want of matter, and always very chargeable.

The Statutes, which concern the ſettlement, and Proviſion for the Poor, need a review too, and ſome alteration, and when this is done, I recommend it to the conſideration of wiſe men, whether it would not be adviſeable to give Power to the Grand-Juries, and Juſtices of the Peace, Aſſembled in their Aſſizes, to make By-Laws with the Conſent of the Judges, and to repeal, alter, or change them as occaſion requires, becauſe this Affair is ſo different in one place, from what it is in another, that it can hardly be brought under one general Rule; and it ſeems but reaſon to intruſt ſuch, and ſo many Gentlemen, with a Power which is granted to almoſt every petty Corporation.

So likewiſe the Statute concerning Lands given to Charitable uſes, might be made much more uſeful, by Communicating that Power to any 4 Juſtices of the Peace, without a Commiſſion out of the Chancery, and allowing an Appeal to the Seſſions, with a Tryal by Jury. And indeed all Lands given to Charitable uſes would be better imployed, if accounts were given to the Juſtices of the Peace, which is already given in relation to thoſe that are given to the repair 39. Eliz. 6.

† 13 & 14. c. 2. c. 6. § 14.
* 22 & 23. c. 2. c. 20. § 11.

*of † High-ways, and the Relief of * Goals and Prisoners, and there is the same reason for the rest.*

There is one thing of which no care was ever taken, that I know of, and that is, for Guardians for such Children, as are neither so poor, as to be a Charge presently to the Parish, and yet have not such Estates, as to be able to bear an Application to the Chancery for that Purpose, many of which become at length a Charge to the Parish, when what was left them, is consumed. Which might be prevented by giving the Quarter Sessions power to appoint them Guardians, and take security of them for a good Account, altering and changing them as occasion serves, and compelling them to account, and make payment without Suits of Law, which such poor Orphans Estates will not bear.

There are too many other things to be brought into a Preface, to so small a Discourse as this, and therefore I will omit them, but there is one I cannot pass over; I could never yet learn any power that was given to the Justices of the Peace, to Summon or Compel Witnesses to appear in the Sessions, except it were against Felons. Now it is most certain no Case can be ended without them, and that very often they will not appear without Compulsion, and so many a good

good Cauſe muſt and doth miſcarry. And this a thing, as worthy of a ſhort Act of Parliament, as any other I know of, if it were but to make the Remedy more Authentick.

There are many Paſſages in the preſent Lord-Keeper's *Speech, which I have quoted above, that would have been of great uſe to me, if I had been ſo happy as to have ſeen it before I had finiſhed this Piece, but there is one which I had much rather miſplace here, then omit it altogether.* Pag. *the* 6th.

'*A private man is praiſed for ſhewing* 'Humility and Deference *to others in his* 'Converſation, *and paſſing by Indignities.*

'*But a Judg (and ſo proportionably a* 'Magiſtrate) *muſt take greatneſs upon him;* 'he *muſt conſider he repreſents the Kings* 'Perſon *in his Seat of Juſtice; he muſt* 'therefore *be very careful to preſerve the* 'Dignity, *that belongs to it.*

'*He muſt have paſſions, but not of a pri-* 'vate man, *that may diſturb his Judgment,* 'but *he muſt aſſume Paſſion to ſet off his Se-* 'verity, *when the greatneſs of the Crime* 'requires *it, but it muſt be ſo, as it may* 'appear *that his Judgment governs his Paſ-* 'ſion, *and directs it againſt the offence, and* 'not *againſt the Perſon.*

'A Judg must be covetous, but not as a pri-'vate man, for his own profit, but he must be 'very solicitous for the Kings profit, knowing 'that the Kings Revenue is like Animal Spi-'rits, without which the Government would 'not be able to perform its ordinary Motions.

All which excellent Rules, the last not excepted, do belong as well to Justices of the Peace, as to the Judges, seeing so much of the Kings Revenue is committed to their care, and it is the worst sort of Treason, that can be to starve our King.

And now, if my Reader thinks fit to go on and read the Book too, let me conjure him to do it without Partiality, or Prejudice, and with a resolution to reform whatever he shall remark to be amiss in his own Person, or Practice, and when he hath so done I will ask him no favour, let him think and speak what he pleases of me, I care not how low I lie in his Esteem, how impertinent or tedious, unlearned or ignorant, nay, how confident, or impudent I may seem to be, so I may do him good, and if nothing else will do, even anger him into an Amendment.

And if he will consider seriously of it, he must grant I can have no other end, because I write neither for Money, nor Preferment, nor Glory nor any other worldly interest, but merely for the publick good.

And

And if any man is pleaſed with this Tractate, I only beg of him the favour of one hearty Prayer for me and mine, and the good ſucceſs of this Diſcourſe, that it may advance the Glory of God, the Execution of Juſtice and Judgment, and the Proſperity and Welfare of the beſt Church, the beſt King, and the beſt Civil Government in the whole World.

Living

Living at a great distance, these Errata's have been made, which the Reader is desired to amend with his Pen, and to Pardon the greater faults of the Author.

Errata. Corrected per JO: B:

Page 18. Line 7. dele *then.* l. 9. for *that* r. *then.* p. 31. l. 22. for *eaſy* r. *raſh.* p. 32. for *profit* r. *Prophet.* p. 48. l. 7. r. *Ruined.* p. 61. Parag. 2. *fine* dele *they find.* p. 102. l. 10. for *have* r. *had.* p. 106. l. 10. for *would* r. *will.* p. 110. l. 17. for *has* r. *as.* P. 112. l. 18. for *mean* r. *can.* p. 142. l. 7. for *expect* r. *except.* p. 167. l. 19. for *take* r. *give.*

To the Making of a Good Justice of the Peace these Things are required.

Section introduction page 1 Govern^mt in general, particularly that of a Justice of ye peace necessary

1. Natural Abilities page 6 — A Competent Apprehension.
   page 8 — Judgment.
   — Memory.

3. Civil Abilities p. 14 — A Competent Estate.
   — A Good Reputation.
   — A reasonable good Education, and Learning.

4. Religious Dispositions consisting in p. 25 — A due Veneration of God.
   — Love for his Service in himself and others.
   — A true Esteem of his Ministers.
   — An earnest Desire of the Salvation of all Under his Care, and Charge.

5. Moral Qualifications p. 34 — Prudence in all his Actions. Patience, Meekness, Sobriety, Chastity, Industry. Courage, and Honesty in the Execution of his Duty. And Humility.

6. Politick Qualifications p. 63 — A competent Understanding of the Nature of our Government, and Love to it.
   — Of the Nature of the *English* People.
   — Of the several Factions, that we have amongst us, and how to govern them.

7. Publick Qualifications p. 106 — A Great Love of Justice.
   — Impartiality in Executing it.
   — Aversion for those things that may hinder it — Bribery.
   — Prejudice, and Prepossession.
   — Favour, and Hatred.
   — Covetousness.
   — Irregular Heats, and Hopes.
   — Laziness.

8. Knowledge in our Laws and Customs p. 135 — By Reading.
   — Observation and Practice.
   — Conversation, and Discourse with knowing and Experienced Men.

9. Prudent Execution of our Laws by — Observing a due Method according to Law. 1. In calling th Parties. 2. In hearing the Cause. And 3. In determining it.
   — Not denying, or delaying, or Perverting Justice.
   — Not Extending, or Diminishing his Jurisdiction.

Conversation, and Discourse with knowing and Experienced Men.

p. 135

9. Prudent Execution of our Laws by——

- Observing a due Method according to Law. 1. In calling the Parties. 2. In hearing the Cause. And 3. In determining it.
- Not denying, or delaying, or Perverting Justice.
- Not Extending, or Diminishing his Jurisdiction.
- Not Proceeding upon his Own Opinion, or Humour without Good Warrant.

p. 147

10. Abhorrence of Perjury

- In himself by considering carefully the Oaths, which he hath taken.
- In others to be Avoided by his care to——
  - Administer none, but Lawful, and Necessary Oaths.
  - 2. To give good Admonitions, and sharp Reproof in cause of failure.

p. 156

Conclusion p. 172

THE
Juſtice of Peace
HIS
CALLING.
A Moral Eſſay.

AS all the Works of God are perfect, ſo are they full of Variety, and Wonder, whether we Conſider the Works of his Hands, the Fabrick of the World, and all the Beings in it, or the Works of his Providence in the Government, and Conduct of them, at once preſerving what he has made, and ſo diſpoſing them, as to produce thoſe Effects for which they were Created, without their Knowledg, and ſometimes againſt their Wills. *The Introduction.*

But tho this is true of all the Creatures, yet it is moſt apparent, and full of Wonder,

when it is applyed to the Government of Mankind; for all the other Creatures do pay a blind, and unerring obedience to the Laws of their Creation, and do never tranſgreſs willingly, but Man being endued with diſcurſive Faculties, and Corrupted by the Fall, doth very often act againſt what he knows to be his Duty, and as often miſtake it.

But then if we conſider the Maſs of Mankind, we ſhall find that there is nothing in the whole World more Uncertain, and Unconſtant, than Men, changing like the wind very often to the quite oppoſite Points of the Compaſs, without any Reaſonable, and ſometimes without any Senſible Cauſe.

Yet in this they ſeldom vary, that they are almoſt always unwilling to obey; envious againſt their Superiours, jealous of their Conduct, and diſcontented with almoſt all Events, they all think themſelves wiſe, and good enough to Command, and becauſe this is impoſſible, affect a diſpenſation from all Obedience, which they miſcall *Liberty*.

And, which is yet worſe, there never was, nor ever will be wanting a Sort of Ambitious ill-natured men to inſtill into the heads of the Rabble a greater Averſion for their Governors and their Government, be it never ſo Eaſy, Gentle and Juſt; and a

love

love for a Liberty, which they promiſe them will Enſue upon the ruine of the former, by which Means this Natural ill Inclination to Licentiouſneſs is yet more enflamed, and inraged.

So that a man may wonder to ſee ſo many Hundred Thouſands Obey one Single Man, whom they never ſaw, and from whom they Expect no Extraordinary favour, and as Seldom meet with it.

And if at any time their own natural inclinations, and the Curſed inſinuations of their Tempters ſo far prevail, as to tranſport them into Tumults, and War, and they prevail in that too ſo far as to deſtroy both them, and their Government, yet then they Conſtantly, and Unavoidably fall under ſome other Power, as bad, if not worſe than the former, and ſo do but toſs themſelves from one ſuppoſed miſery to another.

For ſince the Creation of the World was never known that any Number of men Lived long without ſome Government or other, nor can the Multitude ſubſiſt without it any more, than the Individuals can without breath.

Some inquiring into the Cauſe of this, have aſcribed it to Fate, and the Influence of the Stars, and others to the Nature of Mankind.

But I cannot conceive it proceeds from any of theſe Cauſes; for taking Fate, as it ought properly, for a blind and Natural determination of things to their Events, it cannot be ſuppoſed that there ſhould be ſuch an inclination to perfect, and uncontroulable Liberty in Man, without any poſſibility of having it ſatisfied.

And as to the Stars, their Influences, and Aſpects vary every moment, and are different in one Country from what they are in Others. But this inclination runs thro all Mankind, tho it is ſometimes reſtrained by External Accidents, and is like the Sea ever diſpoſed to Motion, tho ſometimes quiet, becauſe no Winds Excite it.

And as to any Natural Inclination in Mankind to be governed, and Acquieſce in the Wiſdom of Others, it is ſo contrary to the former of Living in perfect Liberty, that they two are inconſiſtent, and cannot ſtand together.

And therefore I have ever thought the reaſon lay higher, and that it Muſt proceed from ſome Decree of God Almighty which is irreſiſtable, and uncontroulable, and that he in his Divine Providence, hath ſet Bounds to this raging Sea, ſaying to it, *Hither ſhalt thou come, and no further.*

For if it were otherwiſe, thoſe ſtrange Revolutions that have hapned in the World would

would Certainly have left us ſome inſtances of a People that had attained, and continued in a ſtate of Natural freedom for ſome time without any Government, or Governors. For to ſpeak the truth, that is the thing they all ſeek.

On the other ſide, were there not ſuch an Inclination in Mankind; why ſhould they ſo reſtleſsly purſue that airy Notion, and for it venture the loſs of Life and Limbs? And what is the Multitude concern'd whether one, or twenty, or ten thouſand command them, to do what they would not, or to ſuffer what they hate above all things?

But God is a cauſe ſtrong enough to Over-rule this Ocean, always the ſame, ever Watching over the affairs of Mankind, and making things fall inſenſibly, and irreſiſtibly into the Order he wills they ſhould be in.

Accordingly he laid the foundations of humane Society in a Single Perſon, and Made all the reſt to ſpring from him like a Fountain; and enured them from their infancy to obedience, and made them ſenſible of the uſe, and benefit of Government, before they could conſider what it was.

And as no Government was ever deſtroyed without force, ſo that force like-

the Aſhes of the Phenix being warmed by the Sun of the Divine Favour, hath ever produced another to ſucceed it, and left the Multitude repining, and diſcontented at thoſe Chains it never could, nor ever ſhall break, till Time ſhall be no more.

SECTION I.

IT is no leſs a Wonder to ſee how God in every Age, and Nation hath raiſed up Men to Govern, and indued them with ſuch a proportion of Abilities, as fitted them more, or leſs for that employment.

Man is not Naturally his Brothers Keeper, and great is the number always of them, who are perfectly unconcern'd for the Publick Proſperity, or Misfortune of their own Times, or Countries; till they find the danger approach their own houſes or perſons, and then for the moſt part 'tis too late to prevent it. And thoſe few that are otherwiſe minded, do as often miſtake, or but pretend the Publick Good; and yet after all this, there is very ſeldom Wanting a Sufficient Number, ſo qualified, as to Keep the Several Parts of the World in ſome tolerable order.

And

And the Wonder is the greater, if we conſider, how often theſe men meet no other recompence than Death, and Ruine from their Superiors, or Inferiors, Domeſtick or Foraign Enemies; and altho ſome few of the happieſt attain to ſuch Fortunes, as may in ſome degree Compenſate the Hazard, yet the far greateſt part ſeldom gain any thing by it, but diſquiet, envy, poverty, and an uncertain fame, and after all lie Expoſed to more dangers, than thoſe they govern.

This then muſt be another Effect of the Divine Providence, that as God raiſes them up, and endows them with qualifications fit for Government, ſo he inſpires them with inclinations to go thro with it, and Keeps them in that diſpoſition till others are fit to ſucceed them; in all things directing, and ſupporting them ſo far as he thinks fit, ſometimes to make a People Happy, and ſometimes Miſerable, as his Juſtice, or his Mercy is deſerved by them.

My Deſign is to diſcourſe of only one ſort of Governours, and that one of the Loweſt, the **Juſtices of the Peace**, and to deſcribe, as well as I can what they ſhould be; for that having had the honour to ſerve my Country many years in that Station, I have had opportunity to Obſerve

ſome things in my ſelf,and others,that are Capable of Amendment, and all my reflections will produce ſome good Effect or other upon my Self at leaſt; and Whileſt I deſcribe what they ſhould be, I ſhall have often occaſions to Conſider the more Seriouſly what I have been; from whence by the Aſſiſtance of God's holy Spirit, which I humbly and devoutly ask, I may encreaſe my repentance for what is Amiſs, my gratitude for what is not, and others may perhaps be Excited to joyn with me, and ſo ſome reformation may follow, which never any Times needed more than Ours.

SECTION II.

OF thoſe Qualifications which I have mentioned,ſome are Natural,others are Acquired,but both are the gift of God; Tho the firſt are more immediately ſo, and becauſe they are the Foundations of the other, do naturally ſort themſelves in the firſt Rank, and ſo fall firſt Under our Conſideration; and becauſe I deſign to be as ſhort as I can, I ſhall mention only three,*Apprehenſion*,*Judgment*,and *Memory*.

Tho

Tho God hath given more Apprehenſion to the ſloweſt of Mankind than to the ſubtilleſt of the Brutes, yet they, that are to Govern others had need have a more then ordinary Quickneſs, and Vivacity; It being the deſign of almoſt all that Approach them to delude and deceive them, and rather to extort, than obtain a favorable Sentence by Juſt proof and truth; and they have generally that jealous opinion of their Governours, as to Expect to go by the loſs if they have nothing to truſt to but their innocence, and plain down-right truth. And from hence proceed thoſe Crafty inſinuations of the ill tempers, or actions of thoſe they Complain of in other inſtances, which are no part of the Complaint, but only artificial flouriſhes to beget an ill opinion of their Adverſaries, that they may aſſure the Victory before-hand.

Others again are ſo little Maſters of Language, and do ſo ſeldom appear before their Superiors, that a man of ordinary Capacity can ſcarce tell what it is they would have, and yet it may be the Compaint is juſt, and reaſonable, and the infirmity of theſe is as much to be pitied, as the craft, and ſubtilty of the Other is to be diſcountenanced, and reproved.

And when both the Parties appear, and the buſineſs is ripened for a Concluſion, the

the ſame difficulties attend it, the Crafty Knave is for avoiding the Puniſhment of his Crimes, and the innocent ſimple Country man is as apt to betray his Cauſe by his well-Meaning ſimplicity, if the quickneſs and integrity of the *Juſtice* do not prevent it.

In greater Caſes, and higher Courts things are firſt ripened by their Officers, and then debated by Council, before they ſpeak their judgments, and ſo how unequal ſoever the abilities of the Parties are, the Caſe appears with equal art on either ſide, and yet after all this the Briskneſs, and Apprehenſion of thoſe Judges is of great uſe to diſcern Truth from Falſehood, and Appearances from Realities.

But in this caſe there is nothing of that nature to be Expected, neither can the perſons, nor will the Caſes bear it, and therefore a Juſtice of the Peace ſtands abſolutely in need of a Competent quickneſs of Apprehenſion, without which he will be liable to make great miſtakes, from which great diſhonour, and damage will enſue.

But here it will not be amiſs to give ſome men a Caution, whoſe defects lie on the other ſide, and for want of Patience to hear a Matter Out, Catch at it too ſoon, and think they underſtand before they hear, whoſe fault is greater and more incurable

curable then the other, and cauſes more injuſtice, and oppreſſion; for theſe quick men run away with a ſhadow, and will rarely be perſwaded they are under a miſtake, and are for the moſt part a little inſolent, and impatient of Contradiction how ſoftly ſoever it be Cloathed, and theſe men are perhaps more unfit for Government, then the former.

The Apprehenſion is the door, by which all things are Admitted, but the Judgment is the houſe, that receives, and entertains them. And whatever the difficulty of Apprehending the Caſe is, tho it may be a hindrance of diſpatch, it is rarely of Juſtice too, if the Judgment do at laſt attain to the diſcovery of the truth.

But there is more required in a Magiſtrate than a bare underſtanding of the thing, which is but in Order to a determination of it, and therefore is not ſo conſiderable in its ſelf, as in its Conſequences and Effects.

There are three defects which ſeem to attend the Judgment, Darkneſs or Obſcurity, Confuſion or Diſorder, and Weakneſs, which proceeds from both.

Some men are of ſo Cloudy Judgments that they do with great difficulty, if ever, hit upon the truth of things, Eſpecially if it be Studiouſly diſguiſed, and

Miſre-

Misrepresented, as for the most part is in reason to be Expected here; and tho these are not to be despised for this Natural defect, but rather to be pittied, and Assisted, yet it renders them unfit for Government.

The Reason of Others is so confused, that they do with as great difficulty attain a Clear, and distinct Notion of any thing; and as their judgment, so their discourse is dark, and Uncertain, and they can as little be understood by others, as they understand them, themselves; and this must needs render all business that is transacted by them, uncertain and full of Hazard.

The last, and Worst Defect is Imbecility, and Weakness, which if it be great, is incurable; the Cloudy Understanding may at last, the Confused sometimes Understand and hit the Mark, but neither Time nor Chance can cure that natural Imbecility, which proceeds from them both, and therefore they of all men are not fit for Government; and should never seek it, or imbrace it if it be offered to them, and it is great pity they should be suffered to Expose themselves, and their Places, to Scorn, and Contempt by them that have Power, and Means to prevent it.

Memory, is a Natural Faculty of Great Use in all Humane Transactions, but Especially

cially in Government, and that in the Loweſt degrees of it.

For it is the duty of a Magiſtrate to Execute Laws, not to make them, and he is to have an Eye to the matter of Fact at the ſame time too; now he that hath ſuch a defect in that Faculty, that he can neither remember the Law, which is to Direct him, nor the matter of Fact to which it is to be applied, is certainly very unfit to be a judge; and ſo in Proportion in all the intermediate degrees of it.

The Office of a Juſtice of the Peace is very diffuſed, and comprehends in it a vaſt Number, and Variety of things; and it will conſequently require a good *Memory* to tell preſently, whether any particular caſe be within his Juriſdiction, or No. Mr *Lambard* complained in his time, (and that is near a hundred years ago) that there were **Stacks** of **Statutes** impoſed upon them to take care of, and the Number is now perhaps double to what it was then. So that in this reſpect alſo it is Neceſſary, that he who Undertakes this Office ſhould be a Man of a good ſtrong Memory.

If any man doubts the truth of this, he will find upon trial, that no humane Memory how great ſoever it be, can perfectly comprehend all the particulars Exactly;

and

and that it will be Neceſſary to have frequent recourſe to the Books, Eſpecially in Statute Caſes, without which many and great Errors muſt of Neceſſity be committed; ſo that the Prudence of a Magiſtrate doth conſiſt in a great *degree* in not *Truſting* too much to his Memory. But then that ſhews a Neceſſity of having that uſeful Faculty to a good degree.

SECTION III.

THere are three other Accidental qualifications which are of great uſe, and would be conſidered. A Competent Eſtate, a good Reputation, and a tolerable good Education, and Learning.

The Juſtice of the Peace enters upon an imployment that will occaſion him much loſs of Time, ſome Expence, and many Enemies, and after all will afford him little or nothing towards the bearing theſe inconveniences, but a little unprofitable Honour attended with much envy, and had therefore need before-hand be provided of a competent Eſtate at leaſt, to ſupport him in that imployment, or elſe he will ſuddainly repent, what he indiſcreetly

ſcreetly undertook, and it may be intail the Miſchief upon his Family, who will remember his honour with ſmall complacency, when they reflect upon his *debts* occaſioned by it.

Nor will he, and his Family be the only Sufferers, the Country will, and muſt bear a part in it too, Men of ſmall Eſtates are very often of Mean ſpirits, and dare not do their Duties where they Expect oppoſition, and have great and rich men to deal with, and ſo betray Juſtice not for want of Skill, or Honeſty, but of Courage to undertake, and go thro with it.

Beſides, their Poverty will Expoſe them to great Temptations of Bribery, and tho the profit that can come by it is very inconſiderable, yet the miſchief that will attend it is not ſo; for the perverting Juſtice in the ſmalleſt inſtance, is a great Diſhonour, and Damage to a Country; and the meaner the cauſe, the greater the infamy; the Meaner the People are that are injured, the greater the Clamour.

But of all men thoſe, that are much indebted are the leaſt fit, for that both the Creditor, and his Friends muſt too often be gratified by the wretched man, at the Expence of his Oath, his Integrity, his Honour, and his Juſtice, and all occaſions muſt be ſought for this too, that the World may ſee how

how great a power the Rich Clown hath upon his Worſhip.

For theſe cauſes there was an Act of Parliament made ſome Ages ſince, which is as followeth.

WHereas by Statutes made in the time of the Kings noble Progenitors, it was Ordained, That in every County of England Juſtices ſhould be aſſigned of the moſt Worthy of the ſame Counties, to keep the Peace, and to do other things, as in the ſame Statutes fully is Contained; Which Statutes notwithſtanding, now of late in many Counties of England, the greateſt Number have been Deputed and Aſſigned which before this were not wont to be, whereof ſome be of ſmall (that is ill) Behaviour, by whom the People will not be governed nor ruled, and ſome for their Neceſſity do great Extortion and Oppreſſion upon the People, whereof great inconveniences be likely to riſe daily, if the King thereof do not provide remedy: The King willing againſt ſuch inconveniences to provide remedy, hath Ordained, and Eſtabliſhed by Authority aforeſaid, That no Juſtice of Peace within the Realm of England in any County, ſhall be aſſigned, or deputed if he have not

not Lands or Tenements to the Value of 20 l. by the year: and if any be Ordained hereafter, &c. which have not Lands or Tenements to the Value aforesaid, that he thereof shall give Knowledg to the Chancellor of England for the time being, which shall put another sufficient in his place, and if he give not the same Knowledg (as before) within a Moneth after that he have notice of such Commission; or if he sit, or make any Warrant or Precept by force of such Commission, he shall incur the penalty of 20 l. and nevertheless be put out of the Commission, as before, &c. (But this Act Extends not to Corporations,) and also, Provided, That if there be not sufficient persons having Lands, and Tenements to the Value aforesaid Learned in the Law, and of Good Governance within any such County, That the Lord Chancellor of England for the time being shall have power to put other discreet Persons Learned in the Law in such Commissions, tho they have not Lands, or Tenements to the value aforesaid by his discretion. The 18 H. 6. cap. 11.

I have transcribed this Statute almost at large, because it makes so lively a description of the inconveniences, and takes so

exact a care to prevent them; and it is to be obſerved, That xx l. by the Year at the making of this Statute, was a Knights fee, and that they would truſt to Nothing but an Apparent Viſible Eſtate, for it muſt be in Lands or Tenements, and yet was there not then the Hundredth part of that buſineſs committed to Juſtices then, there is now, and their Expences then were conſequently much leſs; and tho in caſe of Neceſſity ſome Lawyers of a leſs Eſtate were Admitted, yet this was out of pure Neceſſity in thoſe ignorant Times; and then they were to be men of Good Governance, that is, of a Good Reputation for their Lives and Integrity, and ſuch men in thoſe times might by their Profeſſions be able to ſpend with men of good Eſtates.

But two inconveniences have ariſen in our Times that were not in being then; The firſt is, That Men of great Eſtate do too commonly leave the Country, and ſpend their times and Eſtates in *London*, and other great Cities in perfect Idleneſs, and Luxury. The Other is, That the Old *Engliſh* Induſtry is almoſt totally Extinguiſhed, and they that Live in the Country will not take that pains their Anceſtors did either for themſelves, or their Country.

It is not at all likely that theſe two inconveniences

conveniences will meet a Suddain, or Certain Cure, and therefore it were to be wiſhed, that men of Smaller Eſtates and greater Induſtry, might be encouraged by ſome Honeſt, and Convenient Privileges and Advantages to bear this burthen for the good of their Country, without too much dammage to their own Families.

2. After the Advantage of *Wealth*, I place that of *Reputation*, becauſe, as the World goes, it will not be eaſily had without the Other. And in this Caſe it is of great Uſe to the *Juſtice of Peace*, and to the Government, if he have a good Eſteem amongſt his Neighbours at his firſt ſetting out, and he ought to be always Careful of it in all his Proceedings afterwards; part of this may deſcend upon a man, and part may be gained by himſelf with Gods bleſſing.

As the common People of *England* have always Lived under a Monarchy, ſo they have been governed under their Prince by a Potent Nobility and a Flouriſhing Gentry, and will certainly Envy, and Repine at men of no deſcent, when they come to be ſet over them; but then if they be men of good Eſtates, and Great Civility, and Vertue, this will ſoon wear off, provided it be not kept up by the more Antient Gentry, which ſel-

dom happens, if they be not Slighted to prefer theſe New men.

But that infamy, which ſprings from ill Actions, is hardly ever to be worn out, becauſe every man that ſuffers, tho never ſo juſtly, by ſuch a perſon, will be ſure to revive the memory of it, ſo that it ſhall never be forgotten.

Beſides, men harden themſelves againſt all Correction, and look not ſo much upon their own deſerts, as the faults of their Governours, and Conſequently become worſe for their Chaſtiſement, till at Laſt their Anger turn to Malice, and that too is Advanced very frequently to a Contempt of the Supream Governour, and ends in Tumults, and Rebellion, Anarchy, and Confuſion.

But let a man's Eſteem be what it will, when he ſets out, he muſt be as careful to preſerve it by his Virtue, to which Candor and Sincerity, Temperance and Chaſtity, and all thoſe other Moral Qualifications which make a good man, are of abſolute Neceſſity; and that not onely in relation to himſelf, but to thoſe he is to govern.

For he is ſure none of his Vices ſhall be conceal'd; all men will be prying into his moſt ſecret Retirements, and will be as Curious to inform themſelves of the ſmalleſt of his faults, as they are negligent

of

of the greateſt they are guilty of themſelves.

And this is not all, they will from thence derive arguments to perſwade themſelves they may with impunity, and ſafety tranſcribe the Copy, and imitate thoſe Vices they ſee in their Superiors, and take it very ill, if they find themſelves at any time miſtaken; and if the truth might be ſpoken without offence, I ſhould aſcribe much of the deluge of Impiety, Debauchery, Intemperance, and other Diſorders of Our Times to this, as to its proper cauſe.

For how can a Juſtice of Peace ſend a man to the Stocks for Drunkenneſs, when he is hardly well recovered of his laſt Debauch, or puniſh a man for Prophane Swearing, with forty Oaths in his mouth? I could eaſily run this thro all the reſt, if it were fit to do it.

This too renders our Gentry Contemptible, for the inferior people will ever Envy the ſplendor of their Wealth, if they do not ſeem to deſerve it by their Prudence and Virtue.

And this too weakens our Government, by abating that Honour which is abſolutely neceſſary for its preſervation, and gives too often the hearts and affections of men, to thoſe that have no right to them,

and who imploy that Advantage to the ruine of thoſe that have.

In ſhort, if we are not reſolved to ruine our Selves and our Families for ever, and to become the moſt miſerable, and infamous of all men, we muſt forthwith retrive the Antient *Engliſh* Bravery, and win the hearts of the People by Juſtice, Chaſtity, Temperance, Courage and Loyalty to a due Eſteem of us.

And to this let us add a ſolid and conſpicuous Piety, which may ſhine forth in our Lives and Converſations with that Luſter, that none may be able to doubt, or diſpute the truth of it, and this, and nothing elſe will entail that Glory, our Anceſtors left us, upon our Poſterity, and preſerve the Monarchy, that gave it to us, from a Second ruine; they that honour God ſhall be honoured, and they that diſhonour him ſhall be lightly regarded.

But however, let all that are ſet up for Magiſtrates as Lights upon a hill, be ſure to ſet a good Example, and if not for the ſake of Virtue, yet out of pure fear of Infamy avoid all thoſe Vices which render them, and their Offices Contemptible.

3. It is not only fit the Juſtice of the Peace ſhould be a man of a Competent Eſtate, and a Good Reputation, but of Learning

Learning and a Good Education too.

By *Learning*, I do not underſtand the Utmoſt degree of it, nor all thoſe Parts neither that may be of great uſe to men of other Imployments, but ſuch a degree of *Learning* as may fit a Man for Civil Converſation, and the diſpatch of buſineſs, and eſpecially ſuch Knowledg in the Laws and Cuſtoms of *England*, as may preſerve him from great and frequent Miſtakes.

The Age we live in is full of Learning, and the great Plenty of Books that come every day into the World, have fallen ſo thick in all places, that they have not eſcaped the Soft Hands of Ladies, nor the Hard fiſts of Mechanicks,and Trades-men, and every man affects to ſeem well read in Books, tho he hath not had the happineſs to converſe much with men; and therefore if a Juſtice of Peace be not indifferently well qualified in this Point, he will ſometimes diſcover it, and that will (if it have no worſe effect) betray him to the Contempt of thoſe, who ought to honour and reſpect him for his Place.

But if he be ignorant of the Laws and Cuſtoms of *England* in that vaſt variety of buſineſs that belongs to him,he will never be able to go thro with it, but with great fear,or hazard of Miſtaking.

And being as ſubject to the force of the Laws as other men, he will ſometime or other meet with thoſe who will revenge his Miſtakes with worſe then bad language, and ſeek a reparation out of his Eſtate for the Errors of his Office.

No man is born a Scholar, and therefore what ever Learning a Man hath, muſt ſpring from Education, and together with it, for the moſt part, Civility and good Behaviour is, or ought to be delivered, which takes off that Natural Roughneſs and Aſperity, which makes men unfitting to converſe with others, much more to govern them; and they that have not had the happineſs to meet, or imbrace this, ſhould do well not to Expoſe their unpoliſhed Humours,and Manners to the Contempt of others; who yet may be very uſeful men in other Places.

SECTION IV.

I Have hitherto conſidered the Juſtice of Peace no further than, as a Man and a Gentleman. But Bleſſed be God for it, *England* is a Chriſtian Country, and one of the beſt Parts of the Catholique Church too, and therefore not only the Natural, and Civil Capacities, and Qualifications of Men are to be conſidered, when Magiſtrates are to be choſen, but their Religions too, and moſt Eſpecially.

By this I do not mean in this place whether they are Proteſtants, or Papiſts, Phanaticks or men, who love the Church; (tho I ſhall Conſider of this in due time,) but whether they be good Chriſtians. For many men account it an honour to them, and a piece of good breeding, to Expreſs no more reverence for God, and Religion, than they do for a forſaken Miſtreſs, to whom they pretend to have made Love only out of Ignorance in their Youth, for want of underſtanding better things.

I do not intend neither in this place to make an Exact Deſcription of the ſeveral parts of Devotion and Religion, but I only conſider

conſider thoſe parts of it, which fit a man for Government, which I humbly Conceive are theſe.

1. A Due Veneration of God.
2. A Love for his Service in himſelf, and others.
3. A Good Eſteem for his Miniſters.
4. An Earneſt deſire of the Salvation of all under his Care, and Charge.

As God is the Fountain of all Power, and the Author of all Government, So he is the Supream Governour, and Preſerver of it, and by his Providence diſpoſes the hearts of Men, as he thinks fit, and in his Juſtice, and Mercy makes Retribution to them according to their Deſerts, but eſpecially his Eyes are ever upon Princes and Magiſtrates, to Reward them if they do well, to Puniſh them if they do amiſs, and abuſe the Power which he hath given them for the good of Men, and his own Glory. And thoſe men that have this Senſe of him deeply imprinted in their hearts, will ever have a great Veneration for him, and, as occaſion ſerve, expreſs it by due conſideration, that not only their Actions (which are viſible to men) but the moſt ſecret Motives of them, that lie out of the reach of their Eyes, are open to God Almighty. Thoſe

Thoſe who Thus Reverence God ſhall be ſure to have his Providence watching always over them, to protect them in all dangers, and direct them in all difficulties. And he will by it ſtrike that aw and fear of them into the hearts of the People, that ſhall keep them in better Obedience than all the force in the World will do without it; and this will render their Government Eaſy, and their Actions Proſperous.

But on the Other ſide, how can any man have the impudence to expect either Protection, or Aſſiſtance from God, when he knows at the ſame time, that he hath not any reſpect in his heart for him?

Nor in truth do this ſort of men do it, but truſt wholly to their own Wit, and Power, which always in the End deceives them, and leaves them to the Scorn, and Contempt of the World, God in his Juſtice making this frequently the Puniſhment of their Impiety againſt him.

All men, that have any Senſe know it ſo neceſſary that the People ſhould have ſome Religion, and a great Opinion that their Governours are Pious, and that without it there will be no poſſibility of Governing them, that they who have expreſſed no inward Veneration for it, have owned a belief that it was a Crafty Invention

Juggled

Juggled up betwixt the Prieſts, and the Princes of the World, to *Keep the Multitude in aw*; which, tho it is falſe, yet it ſhews at the ſame time, that theſe men are of opinion, that it would be difficult, if not impoſſible, to keep the People in a due Subjection without it.

And *Machiavel* would not have his *Lewd Prince* without the opinion of *Piety*, however wicked he really was. Now if this baſe Hypocriſie be of ſo great uſe in Government, which is deſtitute of the bleſſing of God, and liable to be looked thro Every moment, of what Uſe muſt ſolid ſober *Piety* be, which will ſhine forth in all that a man doth, or ſpeaketh, and procure at once the Love, and Favour of God and Man?

2. This *Reverence* of God is to be expreſſed by a great, and conſtant Care to *Serve, and Worſhip* him both Publickly in the Church and Family; and Privately in the Cloſet: for God is ſo great a *Being*, that Nothing we can do but this, is of any uſe to him, he ſtands in no need of us nor of our Service, any further then as it tends to our own good here, and hereafter; and therefore it is ridiculous to pretend to believe there is a God, and live Wickedly, without any regard to his Service, nay

prate

prate Fooliſhly, and Atheiſtically in all Companies, as ſome do

But the *Juſtice of Peace* of all men is to be moſt religiouſly Careful to perform his Duty, becauſe the Eyes of all are upon him, and they will be ſure to follow his Example if ill, and the Inconvenience will not end there neither; they will within a While revenge all their Piques againſt him, which will be many, with Stories of his Impiety, and Negligence, and from thence argue, That he is a man of no Religion, the Conſequence of which is, That he is not Maſter of any honour, or honeſty; and ſo this diſhonour will at laſt fall upon himſelf, and end in contempt.

Nor doth his Care like, that of Private men end, in his Family, tho it were well if ſome extended it but ſo far, but he muſt take care that all under his Juriſdiction do it; For ſo much is *England* degenerated from its Ancient Devotion, by reaſon of the Diviſions amongſt us, that without this, not onely the *Conventicle*, but the *Alehouſe* will be better furniſhed, than the Church; if Care be not taken by them that are in Authority to Prevent it by a Severe Search, and Puniſhment of theſe Miſcreants.

Nay, to that height of Impiety are we grown, that if We truſt to the Oaths of them

them, that are to inform us, even Perjury ſhall be imploy'd to delude us, and the Law; a ſtrange Religion this is in the mean time, to make uſe of the Worſt of Crimes to protect them, who pretend to be the Children of God, from Temporal Puniſhment, and with them, and for their ſakes, all that will run into Debauchery. But ſo it is, and nothing but the Care of the Magiſtrate can prevent it; and if he be not diligent to do his duty herein, he muſt anſwer it to God, and Man.

It is not many Years ſince a War raiſed by theſe Religious men on that pretence, deſtroyed our King, and brought our Gentry into the baſeſt Slavery, that ever fell upon them; they may, if they pleaſe, believe this ſhall never happen again; but if it doth, they can thank no body but themſelves: and I am ſure they can neither expect reaſonably any Aſſiſtance from God, nor Pity from Men, if it ſhould be otherwiſe, becauſe they might have prevented it if they would.

3. That men that have no regard for God, and his Service, ſhould ſhew no Eſteem for the *Prieſt*, is no great wonder; the Conſequence is unavoidable: And as this proceeded at firſt from the Other, So it may be a good Means to Cure the diſtemper,

per, to teach the People not only to Honour God, and his Sanctuary, but to *Reverence* his *Prieſts*; and here the Magiſtrate may Contribute very much by his Example, and Authority.

But then this Reverence is not due to all, who call themſelves Miniſters; there are too many that are crept in amongſt us, who are the Miniſters of Satan, Sowers of Sedition, and Upholders of Schiſm, the leſs the Magiſtrate reverences them, the better it will be for him.

But there is one Sort of Kindneſs too commonly ſhewn to Clergy-men, that I wiſh they would lay aſide; and that is, their Inviting them to their Drinking-Meetings, and almoſt forcing them, when there, to pledge all the Healths, and go to the Bottom of the Glaſs too at every Round.

I cannot imagine where the Pleaſure of this lies, the Wine would be as eaſy, the Company might be as brisk, and the Frolick as pleaſing, if the Chaplain and Neighbour-Miniſter were Viſiting the Sick, or Studying to improve himſelf. Nor can I think they pretend to pleaſe God Almighty by it, whileſt they render his Service contemptible, and the Prieſthood odious, and infamous: For my part, I cannot believe this can proceed from any other, than the Devil,

Devil, becauſe it ſerves no bodies turn but his, and the Enemies of Our Church; and I have ever obſerved, the Atheiſt, and irreligious to be moſt guilty of it.

The beſt honour that can be ſhewn to a Clergy-man, is to remember he is more immediately related to God, and out of a due reſpect to his Character, to curb thoſe little irregularities which at another time a man might fall into, and indeed nothing is more contrary to Virtue, and Sobriety, than the Attempting to Debauch them, whoſe Preſence ſhould reſtrain us from Exceſſes, and no Vice expoſeth them more then Inſobriety to the Contempt of the Rabble, and other lewd Men, and certainly God will accordingly ſeverely reckon with thoſe who thus diſhonour him in his Miniſters, and beyond all other men with Magiſtrates, if they be guilty of it.

The *Turks* have a ſort of men who pretend to be deſcended from *Mahomet*, and wear Green Turbans, to diſtinguiſh them from the reſt, and if at any time they happen to offend any of the other *Turks*, they approach theſe Children of their Prophet with great reſpect, and having firſt very reverently taken off the green Turban, and laid it by; they then bang the Man without Mercy, or Diſcre-

tion,

tion, but we never hear they endeavour to draw them into any thing Contrary to their Law.

4. The Ultimate End of all Religion, is the attainment of the happineſs of another Life, and all that can be any way ſubſervient to that end, ought to be ſo uſed. And for this end did God Almighty inſtitute all humane Society, and Government alſo, and hath ever ſince preſerved them from Ruin. So that he Expects from every Perſon that is placed in any degree of Honour, a more immediate Care, and Concernment for the Salvation of their inferiors; and he that doth beſt diſcharge his duty in this reſpect, may Expect to meet the beſt Recompence from God here, and hereafter.

Grotius hath proved this ſo well, that I will not attempt to do it after him, but refer the Reader for that, to his Piece of the *Power of Magiſtrates in Sacred Affairs*, and purſue the Concluſion, of bringing it as much as may be into practice. It is certain then, nothing can be more acceptable to God Almighty, than this; and his Bleſſing is the beſt Reward any man can pretend to, and the onely one which almoſt a Juſtice of the Peace can Expect, and which is really worth his thoughts.

There is nothing in the Next place will ſo effectually leſſen his Cares, and his Troubles as this; for if ever he can bring men to a true ſenſe of this, they will afterwards be eaſily governed, and it will make his Office Acceptable and Delightful to them, and his very Chaſtiſements will be thought *Kindneſſes*, and be well reſented.

But if men ſhould prove unreaſonable, yet God would certainly undertake for him and protect him from their Violence, and reward his Virtue too, with the *Euges* of a *Well done thou good and faithful Servant*, and he ſhould thereby aſſure his own Salvation however.

Section the 4th.

HAving thus diſpatched thoſe Religious Qualifications I did propoſe to ſpeak of, I come in the Next place to ſpeak of thoſe Moral Indowments, without which the other cannot well be Suppoſed to be; the firſt of which I ſhall mention, is a Prudent, and Wiſe Adminiſtration of all his Affairs.

Prudence. As *Reaſon* diſtinguiſheth a Man from a Beaſt, So this *Prudence* is it which Exalts one man above another, and directs him not onely to what is juſt, but to what is fit.

fit. *Justice* teacheth a man to give every man his due, and *Prudence* directs him to do it Seasonably, and when, and where to use Clemency, or Severity, as there is occasion for it.

And in Executing all Penal Laws, this is of great and dayly use, and makes those Laws a Blessing, or a Plague to men; and indeed he that always imploys the utmost of his Power, will sometimes use the letter of the Law against the equity of it.

Prudence will also make his proceedings Safe, and Regular, so that he shall not fear to reflect upon what he hath done, nor others to approach him, when he is to do them, when they know before-hand, what they may Expect from him.

Prudence, and due Care in him to Search every thing out that comes before him in the Course of Law, will prevent his being deceived, and the Consequences of it, his injuring others by that deception.

Next to Prudence I place *Patience* and *Industry*, without which he can never hope to attain his End, he must not expect that either Party will at first frankly, and ingenuously represent the truth of things to him, one party will speak a little too much, and another a little too little, and by this, and other Arts so disguise the thing, *Patientia.*

that, if he be not a man of more, than Ordinary Patience, and Industry to Search it out, he will be in great danger of Doing great injustice.

Nor will the putting Parties always to their Oaths do it, for many men have so little sense of them, that it is almost all one to lie, and forswear themselves; but yet giving them time, and cross-Examining them, or putting them one from another, the truth will sometimes appear thro all their disguises, and will well recompence the loss of a mans time if at last he be enabled thereby to do Justice, and promote Truth, and Honesty amongst men.

But on the Other Side, the impatient man is at the End of his business, before he is well entred into it, and by making too much hast, is the longer before he can end it; a great man used to say, *Stay a little, and we shall have done the sooner*; and for the most part over-hasty Sentences come to a review, by appeal, or otherwise, and then a man's folly is discovered in the face of the Country.

I would fain know of any man that sits in the Seat of Justice, how he would take it, to have a Case of his own hudled up by another man, without due Examination of the thing and its Circumstances, and so it

may

may be meet with diſappointment, and diſgrace, where he did leaſt Expect it; and when he hath once thought Seriouſly of it, let him do, as he thinks fit.

But it is not a dull Patience without Active *Induſtry*, that will do the buſineſs, he that ſtorms and rages may ſometimes hit upon the right Caſe, and perhaps more frequently than he, that neither takes Care to enform himſelf of the Law before-hand, nor of the fact at the hearing, but hears with as little care, and unconcernment, as if he had nothing to do with it; ſuch lazy men are totally unfit for government, and ſhould be laid aſide, as faſt, as they can be diſcovered, or rather be prevented from ever coming into Authority. *Induſtry.*

But there is another Sort of Men, that are as much too Active, and endeavour to Search into things before the time, and without any Neceſſity; and this ſometimes brings great Miſchiefs upon them, for which they are not much pityed.

Next to Induſtry, *Meekneſs* and Humility deſerve the place, tho ſome men ſeem to think the contrary, and that no Virtues leſs become a Magiſtrate; The Character of *Moſes* was, That he was the *Meekeſt* Man *Meekneſs.*

upon Earth yet no man ever knew better, than he, how to reſcue himſelf, and to preſerve his Place from Contempt; and no man ever had greater reaſon to carry it with a high hand, who had God's Viſible Preſence always with him to Countenance him, his Miraculous Power to Defend him, his Infinite Wiſdom to Direct him.

Rough, and rude Language never did any man's buſineſs, nor ever will; they may be feared, and hated more than other men, who uſe it, but that will as often hinder, as help them. And when it is once Known, men will either not regard it, or contrive how to make their Advantage of it, by inflaming the Angry Indiſcreet man to ſuch a height, that he ſhall do, and ſay he knows not what, or by Flattery, and Aſſentation draw him to the quite Contrary Extreme. So that if in the End he do Juſtice, it ſhall be by Chance.

When a Man is Kindly, and Civilly Treated, it ſoftens him into repentance, and makes him aſhamed of his offence, and that diſpoſeth him to *Amendment*, and Honeſty for time to come; and he that ſo reforms but one man, has done a greater work than he that Chaſtiſeth many; and what ever the Event be, the Party goes away well Satisfied with the Juſtice and Candor

Candor of his Judge, which may work upon him afterwards, tho it do not at the preſent.

For my part, I never underſtood wherein the greatneſs of calling a man, *Sirrah*, and *Rogue*, at firſt ſight, lay. It is full as eaſy to call him by his Name, or *Friend*, and give him an aſſurance, that you are not his Enemy, nor have any prejudice againſt him; and then 'tis ten to one, if he do not deal ingenuouſly with you, and tell you the truth at firſt, and ſo ſave you the pains and hazard of ſearching it out; and I have ſeen many men ſo wrought upon by it, as to prevent the *Juſtice*, and Condemn themſelves willingly to ſuffer the Penalty of that Law, they had imprudently broken, if it run not too high.

But on the Other Side, ill uſage doth but harden men, and make them aſcribe what they ſuffer rather to the ill Nature, and Diſpoſition of the Magiſtrate, than their own deſerts.

Beſides, there is nothing that diſcovers a man's mean Extraction, and ill breeding, ſo much as ill Language; and it is a ſoul diſgrace to a Magiſtrate, to ſeem to have ever kept Leud, Mean Company, where only rude Language is to be learnt.

The Sum of all is, it can never do any good; and will certainly do much hurt,

and therefore is most carefully to be avoided by every man that would preserve his Reputation, and do good in his place, and the rest are not worth the Instructing.

But yet neither is it fit to Countenance ill men in their Villany, and Wickedness, for that is to encourage instead of reforming, and punishing them; but then let the reproof be rational, and grave, such as may work more upon their reasons, than fancies, and to it add the Severity of the Law, and make them feel you are in good earnest with them; and this will make a man more feared, and revered than Loud Words without it. And to me it seems to be a double punishment, first to Vent my Fury in bad Language, and then to inflict the Punishment of the Law upon him.

Humility. *Pride* is yet a worse fault in a Magistrate than *Passion*; for some men are Naturally passionate, but few men are Naturally proud, and insolent; and those who are so, are of all others not fit for Magistracy.

One of the Worst effects of *Pride* is, to render a man uncapable of Instruction; and then be his abilities what they can be, he must *Needs* fall into great Errors; no man can carry all the Laws of *England* in his head, and always truly apply

ply them without miſtaking. And then if the man ſcorns the Informations of his Equals, or Inferiors, he muſt Anſwer for his Error, as the Effect of his Will. Whereas if he Humbly ſeeks, and Meekly imbraceth better advice, thô at laſt he miſtakes, he ſhall be pitied by God, and Man, and is ſure to ſave his Reputation, and the Comfort of having done the beſt he could to prevent the misfortune.

But a Magiſtrate is not only to regard the Law, but the Fact; and this the wiſeſt of Men muſt learn from others, who were preſent, and took Notice of it. And according to the Quality, and Number of the Witneſſes is the thing more, or leſs to be believed. And if a man will in his Pride ſuppoſe he knows this, when indeed he doth not, or believe he takes it right, when he miſtakes the Matter, or the Witneſſes, and will not ſuffer them to re inform and direct him, he muſt needs do great Injuſtice in the Concluſion, tho he Mean it not. And he muſt anſwer for it.

Soloman ſaith, *Only by Pride cometh Contention*, Prov. 13. 10. And ſo it ever is, Pride makes a man more apt to Miſtake, and at the ſame time ſhuts the door upon him, ſo that he cannot find the way out again; this makes him ſet himſelf to defend his Error, as if it were a Caſtle, and take it ill that

that any man ſhould endeavour to diſpoſſeſs him. So that he that Never ſo Kindly offers to inform him better, is ſure to meet no better reward than Contention, Stubbornneſs, and ill uſage for the preſent, and Scorn and Revenge for the future, which either provokes men to ſeek the Ruine of theſe Inſolents, or to give them up to their own folly till that do it, and God in his Providence doth for the moſt part haſten on the Calamity.

But on the Other Side, there is nothing more Lovely in the Eyes of God, or Man, than *Humility*; and the Greater the perſon is, the Greater the Luſtre of it; it preſerves a man from many Errors, and Apologizeth for the reſt ſo powerfully, that it is ſcarce poſſible not to forgive him, and the Honour of it too Aſcends from the man to his Superiors, and they are the better thought of for his ſake. It makes a Government acceptable to the People, and ſtifles Diſcontents (the Seeds of Rebellion) in their infant ſtate.

Sobriety. *Sobriety*, and *Chaſtity*, are two Virtues that ſeem at firſt ſight, perhaps, more to reſpect the Perſon, that is maſter of them, than his Place; but yet they have for all that a great influence upon the other, eſpecially the firſt of them. By which I Underſtand

derſtand Temperance in Eating and Drinking.

Intemperance hath Naturally ſome very ill effects upon men, which indiſpoſe them for Government. As firſt, it takes off the Briſkneſs, and Vivacity of Mens Minds, and renders them dull, and heavy, and unfit for buſineſs. Yet he that is to judge others, will always ſtand in Need of the greateſt of his Abilities, as I have proved before. And therefore, if he be not ſo far in Love with Temperance, as to preſerve his Faculties always in their Natural vigor, he hath thereby unmanned himſelf; and it will not be fit to ſet the Beaſt to Govern others, when he is thus degraded by himſelf.

Secondly, *Intemperance* diſcharges the guards, that *Prudence*, and *Sobriety* uſually keep men under, and they become heedleſs of all things, neither conſidering nor caring whether they do Right, or Wrong, Juſtice, or Injuſtice; as indeed how can an intemperate Man, whileſt his blood is in a ferment, be able to Conſider prudently of any thing. All that can be ſaid for it, is, That they are not always ſo; but tho they be not, yet if a man is frequently intemperate, it will in time change the *Craſis* of his Blood, and Spirits, when he is not actually diſtempered with a late *Debauch*,

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at leaſt to ſuch a degree, as will make him incapable of that curious Senſe, which is requiſite in many Caſes for the finding that truth, which is concealed from him, with much Artifice, and Induſtry.

The *Juſtice of the Peace* his principal Care is to provide for the Poor; for he is the only Perſon, to whom their laſt reſort is, who have neither means, nor abilities of Complaining to the Superior Magiſtrates. Now how can that Man be Senſible of their Miſeries, who is almoſt always *Gorged* to the height, and is inſenſible of all other Inconveniences, but thoſe that ſpring from *Satiety*, and Drunkenneſs? 'Tis true, theſe are not leſs than the other, but yet they totally render a man uncapable to Underſtand and Conſider them. It was the *Rich mans* faring deliciouſly every day, that made him think ſo little of *Lazarus* at his Gate, till the Tables were turn'd, and then it was too late. And Great Men would do well to remember his *Cataſtrophe* in time, and abate ſomething even of their Lawful Pleaſure here, that they may be Excuſed from Suffering with him hereafter.

To all this Add, what I have remarked already, the irreſiſtible force of ill Example, and the bad Effect it will have upon the Government, by introducing Poverty, if

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it be not punished in the inferior people, and reproach and hatred, if these or such like Magistrates do it; and a man would think a Small degree of Ingenuity might prevail upon them to lay aside their Intemperance, or their Office, and not keep two things so totally inconsistent each with other.

Much of what hath been spoken concerning *Temperance*, may be Applyed, and is Naturally true of *Chastity* too; but I have this further to say for it, The *English* Nation is Naturally Chast, and all that foul spreading uncleanness, which hath of late over-run this Island, is of a foraign Extraction. And it may be a great question, Whether it is a greater Infamy to a People to forsake its Antient and Natural Virtues, or to imbrace foraign and Exotick Vices? But there is no question at all whether this base uncleanness hath not been propagated by the Contagion of ill Example, and descended from the Gentry to the Commonalty; and I have known when Complaints have been brought by Wives, against their Husbands for Keeping *Misses*, when they were scarce able to find Competent bread for their own Families. The more have they to answer for, who set them the ill Example. *Chastity.*

This

This Crime is ever attended with Poverty, and when it grows general, the Poverty becomes ſo too; and ſuch Lewd men can neither bear Want, nor betake themſelves to any honeſt Courſe for the redreſſing of it, but generally turn beggars, Thieves, Whiggs, Knights of the poſt, and take up other ſuch infamous Courſes as Naturally tend to the deſtruction and imbroylment of our Government.

Moſt commonly thoſe who follow this ill Courſe Long, are at one time or other Snapt with that Filthy Diſeaſe. And it is very rarely ſeen that they are ſo far recovered out of it, as to have afterwards any Children that Live, and are healthy. So it tends apace to depeople us who are already Exhauſted by *Ireland*, and the *Weſtern Plantations*, and Leave us in the next Generation, a prey to our Neighbours.

All which are ſtrong Reaſons to endeavour heartily the baniſhing of this New riſen *Peſt*, and ſhould make all Magiſtrates diſcountenance, and puniſh it to the utmoſt rigour; and above All things to be Exceeding careful, that they do not by their Words, or Actions give the People occaſion, to think, or ſuſpect they have any Kindneſs for it.

Yet ſome Juſtices of the Peace, if they

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are to Examine an unfortunate Woman about the Father of a *baſe* Child, will deſcend to ſuch minute Circumſtances, and behave themſelves ſo Extravagantly in the mean time, as if they took much pleaſure in the inquiry, and Meant to make the Criminal uncurable, by Extirpating that Natural Modeſty, that might have Cured her. Such men neither regard God who is invoked by the Oath to be preſent, nor the dignity, and honour of their Places, and do effectually teach inſtead of Correcting the Crime.

I have Placed in the rear of all *Courage*, and *Honeſty* in the Execution of Juſtice, tho they will deſerve to have been the two firſt; but I hope by placing them in the Concluſion, they will Leave the ſtronger impreſſion on the Mind of the Reader.

Courage is ſo neceſſary a Qualification in Magiſtrates, that God himſelf never omits it in his Charges to them; and there is good cauſe for it. For they are ſometimes to deal with Men Equal to themſelves in all things, and at others with their Superiors, and as the Nature of Mankind ſtands, may juſtly fear hard uſage for doing but their Duty. And yet we have another difficulty that will try *Courage.*

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the moſt daring: we live in a factious Age, and a Divided Nation, and a Magiſtrate muſt ſometimes diſoblige not only ſingle perſons; but great Bodies of Men united for the carrying on ill deſigns. And we have before our Eyes inſtances of many great Families, that have been ruined or impoveriſhed within the Memory of Man, for their Loyalty, and Honeſty, and too many have Conſidered the ſame may happen again; and this hath made the difficulty the greater, by leſſning the Number of them, that ſhould have overcome it.

But yet would men conſider Seriouſly of it, this will never juſtify their Puſilanimity, who have refuſed to ſerve the Publick; or not performed their Duty out of Cowardiſe. For God himſelf hath promiſed to ſtand by them, and protect them in the diſcharge of their Duty. *Ye ſhall not Reſpect perſons in judgment; but you ſhall hear the Small as well as the Great; you ſhall not be afraid of the face of Man, for the judgment is Gods*, Deut. 1. 17. So he is pleaſed to own the Act, and is bound to protect his own Miniſter, and he may ſecurely rely upon him that he will; for he hath ingaged his Veracity for it, whoſe Power no Faction, how formidable ſoever, can Maſter.

And yet if he ſhould Suffer a man to be perſe-

perſecuted for doing his Duty, Even that is no ſuch diſmal thing, as is repreſented by fancy, and deluſion; but this ſubject hath been ſo Excellently treated of by the Author of *Jovian* in his *Concluſion*, that for brevity ſake, I will refer the Reader to it.

Of Evils, the leaſt is to be choſen; and in the ſtate things are, we muſt ſubmit our Selves, and Families, as Eternal Slaves to theſe Factions, or defend the Government againſt them, by a Couragious Execution of our Laws. We have tryed their Mercy, and Clemency, and found *Solomon's* Obſervation true, *The tender Mercies of the Wicked are Cruel.* We have felt the Smart of being Loyal, and if we were ſo treated for being obedient to the Laws of God and Man, we may Expect as much Mercy in other inſtances, as we pleaſe.

We have tried what could be done by fair Courſes, and Conceſſions, and our Experience tells us, nothing but an intire ſubmiſſion at diſcretion will ſatisfie theſe inſolent Men; and this hath inſpired ſome *Beſieged Starved Places* with a reſolution to periſh bravely, but bleſſed be God we are not upon ſuch terms yet with them. But then this reproacheth our faint-hearted Gallants, who dare not do their Duty

whileſt they have the Advantage Clearly on their Side.

The thing is indeed not only poſſible but eaſie; for all Combinations againſt an Eſtabliſhed Government, beſides the Providence of God, have the United Forces of all good men againſt them; they are lyable to many hazards, have no Authority to Unite them, are, and ever will be diſtruſtful each of other, and faithleſs too, as occaſion ſerves, and one Paſſion prevails upon another.

So that it is not Prudence, which makes men timorous, but want of Conſidering the Nature of things, together with Infidelity, Diſtruſt of God, and Cowardize; and if any man willaſpire to theſe Titles of Honour, and tamely purchaſe them with Slavery, and Beggery, much good may his bargain do him, and let no man envy his happineſs.

And as to the reſt, let them pluck up their ſpirits, and with the Reſolution of *Engliſh* Men, and Chriſtians bring under this *Hydra*, this Many-headed Monſter, and they may be aſſured the Event will anſwer their Deſires, and will find that the ſtrength of our Factions lies more in our want of Wit and Will to Suppreſs them, than in their own Ability to defend themſelves, much leſs to bring under, and ruine us.

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But not only Combinations of Men, but ſingle perſons have ſometimes over-awed Magiſtrates, and made them not dare to do their Duties; and here the fault is ſo much the greater, as the Temptation is leſs. For why ſhould a Juſtice of the Peace, under the Protection of God, and the Laws, fear a Wealthy Clown, or a Ruffling Gentleman? Let him be but once ſure what the Law, and the Matter of Fact is, and he need not fear any man.

But, 'tis a great diſgrace to the Magiſtrate, and a great diſhonour to Juſtice, to have the Laws take none, but the poor helpleſs offenders, whoſe very Innocence may be eaſily trodden under foot, and the great, and inſolent Offenders eſcape without any Chaſtiſement. It were great reaſon rather to take the latter, than the former; and tends more to the terror of ill men.

It is true, that ſometimes theſe great and rich Malefactors do find means by their Wealth, and Friends to trouble a Juſtice of the Peace on ſome other pretence, but this doth not often happen; God in his Providence preventing it: and when it doth, ought to be born, as other Calamities which God ſends for Cauſes beſt known to himſelf; and which, for the moſt part, end very well for the Miniſter of Juſtice.

But on the Other Side, when a man hath purchaſed their good will at the loſs of his Reputation by denying Juſtice, or doing injury: he hath but rendred himſelf more obnoxious to their injuries, by ſhewing his fear of them, which makes them yet more inſolent, and he hath made God, and good men his Enemies to boot: So that he is then become really miſerable, and yet muſt Expect no bodies Pity, or Aſſiſtance.

So that all things Conſidered, it is better to truſt God, and rely on the Protection of the Laws, and ſo to proceed to do our Duty, without the leaſt Conſideration, Whether the Party Complained of be a Poor man, or a rich man, but according to Gods Commandment, and Our Oath, to do equal Right to both, which in all probability will be as ſafe, and much more honourable, and at laſt bring a man to peace, according to that of the *Pſalmiſt*, *Mark the perfect man, and behold the upright: for the End of that Man is Peace*, Pſal. 37. *v.* 37.

There is another Fault, which is juſt the oppoſite to this, and doth not ſo often happen, yet ſometimes may out of too much Pity, and Compaſſion, ill Placed, and Worſe Expreſſed; and that is when more regard is taken to the Poverty than Inno-

Innocence of a man, contrary to the Command of God, *Thou ſhalt not Countenance a poor man in his Cauſe*, Exod. 23. 3. That is, any further than there is Right, and Reaſon for it.

I might perhaps not have mentioned this, but that it hath been more frequent here in *England* of late, than perhaps in all the World beſides, Eſpecially as to our Penal Laws; for every Townſhip with us being bound to maintain its own poor Inhabitants, which way ſoever they become ſuch; many men intereſt themſelves in the Caſes of theſe People, and for fear they ſhould become a Charge to the Pariſh, connive at many of their Miſdemeanors, and intercede with the Magiſtrates in others for their non-puniſhment, till for Want of timely Correction for ſmall faults, and thro hopes of impunity, they become inſufferably Wicked, and are cut off by the hand of Juſtice, or grow Inſolent, and are a plague all the days of their Lives to the Places in which they live. It is great pity the power of inflicting Corporal puniſhment inſtead of Pecuniary, ſhould not be Extended further than it is, for that is the way to meet theſe ſmall ill natured Animals. As for Inſtance, Many of them turn *Atheiſts*, and never come at Church, onely becauſe they are not able to pay

Twelve pence for their abſence. And I might inſtance in ſome other particulars, but till this can be done, it is certainly much better to run the Hazard of maintaining theſe men when they are reformed, than thus to ſuffer them to become worſe, and worſe by impunity, till in the End they become not only Extreamly wicked, and troubleſome, but poor alſo, and ſo the thing that was feared falleth upon them, which might in likelihood have been prevented by a timely Severity.

Honeſty. By *Honeſty*, I underſtand that Comprehenſive Virtue, which in Scripture is call'd an *Honeſt* and *Good Heart*; and includes in it Sincerity in a man's *Words* and *Actions*, *Veracity*, a ſtrong propenſion to do good to all, and fair dealing, without fraud or hypocriſie; which make a man's Converſation Safe and Profitable, Eaſie and Delightful, and was once the General Temper of the *Engliſh* Nation, till Foraign Vices, and the Laſt Rebellion altered it.

Sincerity. *Sincere Upright dealing* is an Excellent quality in a private man, but ſo neceſſary in a Magiſtrate, that without it, he will be in danger to infect men, and make them worſe, than they would have been, by Converſing with them; for they will be ſure

ſure to tranſcribe the Copy, and Out-do it too; they will obſerve how he Circumvented and Deluded them, and they will try how the ſame Arts may be made uſe of another time, for their Advantage, againſt him or any other Neighbour, as occaſion ſerves, till they turn errant Knaves unfit for humane Society, and good for Nothing.

But this Sort of Dealing is not onely miſchievous, and hateful, but for the moſt part unſucceſsful too; for men will ſoon ſee thro the thin pretence, and diſcover the inſincerity, that lurks behind it, and then all their Care will be to Countermine it, and prevent the Cheat.

And where they cannot diſcover any fraud deſigned, they will yet ſuſpect it, and ſuch a man's Words will have no Credit with them; and as for his Actions, they will Eternally, and reſtleſly turn them and toſs them to, and fro in their Minds, to find the Secret deſign of them, entertaining a Thouſand Surmiſes, and Jealouſies of them, and in the mean time what ever outward reſpect they pay him out of fear or flattery, they will inwardly hate him, and always ſtudy to defeat and Baffle him; and this muſt needs make his Life uneaſie, and unſafe, and his Actions unproſperous.

But on the Other Side, when a man is Esteemed an upright sincere man, every body will love and trust him, and they will interpret his Actions Favourably, and Candidly, and what ever he doth, or saith to them, will be regarded and revered; and the more they try, the more willingly will they trust him, and rely upon his honesty as their best Security; and when they observe the Blessing of God, and the Love and Favour of Men, and good Success to Attend such men, which very rarely fail, they will endeavour to be like them in the One, that they may be so in the other too.

Veracity.

Veracity is a debt, that all men who live in Society ow each to others, our Souls being not able to Communicate each with others, by reason of the interposition of our bodies, God hath given us speech, as a Means to Communicate our inward Sentiments each to other for Our Mutual Good, and Comfort.

But the Lyar perverts all these great Benefits of Society, and turns them into Poyson, he thinks no man can see the Contradiction, that is between his Thoughts and Words, and from thence presumes he shall cheat his Neighbour, and give him Chaff instead of Corn; but he will certainly be deceived in the End; for all men have

have a Natural Logick, that will in time, by Comparing one thing with another, diſcover the Sophiſtry; and if they frequently trap a man, they will never after truſt or believe him.

Matters of Fact, and things that are paſt, can never be made out but by teſtimony; either by Writing, or Word of Mouth; and According to the Credibility of the Perſon that relates it, is the belief Stronger or Weaker, that is built upon that Teſtimony: So that here is another great uſe of Speech, for when a man is preſent at the Doing, or Speaking of any thing if he minds it, it leaves a Picture, Impreſſion, or Repreſentation of the Words and Things in his Memory, as in a Regiſter; but then theſe Characters are viſible to none but himſelf, and the uſe of Speech is to repreſent them truly to others, according as the man finds them; now the Lyar in this inſtance plays the falſe tranſcriber, fains things that he finds not there, and changes and varies what he doth, Extends it in ſome places, diminiſheth it in others, is certain when he ſhould be doubtful, and doubtful when he ſhould be certain, and here and there interlaces Circumſtances, Words, and Actions, of his own, and then fathers them upon others, and all the while

while relyes upon this ſingle ſecurity, That no body, but himſelf can Search his Memoires, and find out and prove the Cheat, may perhaps ſo often tells the Lie, that the the falſe Story defaces the true, and at length impregnates his fancy with a falſe Conception, and he arrives at that height of Folly as to deceive himſelf, and believe his own lie to be a real truth.

And indeed for the moſt part the man deceiveth none ſo much as himſelf; for by one means or other, the Cheat is at one time or other diſcovered, and very often by himſelf, and his Complices; he that tells a Story truly, is but like him that reads a Paragraph carefully, which will be the ſame, how often ſoever it be done; but if he adds words of his own, and his Memory fails, he will neceſſarily vary, and obſerving men ſoon ſpy the diſagreement, and diſcover the Cheat as plainly, as if they ſtood behind him and ſaw every letter, as well as he; and if he have Confederates, it will be impoſſible to Concert beforehand all the Circumſtances ſo minutely, but that they will differ, and very often Contradict one another.

And to all this muſt be Added, That as God is a God of Truth, So he is the irreconcileable Enemy of Falſhood, and he is the Searcher of Hearts, knows all things,

and

and is preſent at all places; *his Eye-lids try the Children of men*, and he Underſtands their thoughts long before; and amongſt the things that he hates, and abominates, one is *a falſe Witneſs that ſpeaketh Lies*, Prov. 6. 19. And he hath aſſured us, *Chap.* 19. *v.* 5. *A falſe Witneſs ſhall not be unpuniſhed, and he that ſpeaketh Lies ſhall not Eſcape.* And accordingly in his Providence he frequently detects them; and ſo if a man be not ſo fooliſh, as to think he hath Wit enough to eſcape the Juſtice and Providence of God, and the Watchful Scrutiny of all thoſe men he converſes with, (which is impoſſible) he muſt needs Expect at one time, or other to be diſcovered, and then he will ſo far loſe his Credit, as not to be believed even when he ſpeaks truth, and will (if no worſe betide him) be hated and ſcorn'd of all men.

It befits Magiſtrates then, of all men, to be very careful to preſerve their Reputations unſpotted from this Sin; and the rather, becauſe the Law relies ſo much upon them, that in many things their Teſtimony is Concluding, and no man ſhall be allowed to Contradict them. So that they are intirely truſted with the Lives and Fortunes of men; and the greater the Truſt, the ſtronger the Obligation not to deceive;

ceive; and the greater, Infamy if they do.

Beneficence. I include under the Name of *Honeſty*, not onely *Sincerity* and *Veracity*, but *Beneficence*, or a great deſire to do good to as many as may be, which is an Excellent Virtue in a private perſon. But ſo abſolutely neceſſary in a Magiſtrate, that it will not be poſſible for him, without it, to uſe his Power to that End, for which it was given, the *Good of Men.*

The Lord *Bacon* ſaith very well in his *Eſſays*, *Power to do Good, is the true and lawful End of Aſpiring. For Good Thoughts (tho God accept them,) yet towards men, are little better than good Dreams; Except they be put in Act: and that cannot be without Power, and Place, as the Vantage and Commanding Ground. Merit and Good Works, is the End of Man's Motion, and the Conſcience of the Same is the Accompliſhment of Man's reſt*, Eſſay the XI. But this Advantage of Place and Power is Naturally apt to be corrupted in ill Natures, and to degenerate into Inſolence and Violence, and then it is like a Sword in the hand of a Mad-man, terrible to all men that come near him, and an inſtrument of miſchief. Of ſuch men he ſaith a little before, *Power is a Curſe; for in Evil, the beſt Condition is*

is Not to Will, the Second, Not to Can.

Now what can be more deplorable, than for a man in Authority to be looked upon as a Wild Beaſt, and to fill all places where he cometh with fear and horror? to have men approach him as they do a Viper, with Caution, and a jealouſie of being injured, if they prevent it not. The conſtant effect of which is hatred, in which the fear of Miſchief ever ends.

But men approach thoſe that are famed for much goodneſs, as they were Mortal Gods ſent by the Great and Immortal God into the World for the Good of Men; and the Greater they are, the more Good they expect and find from them, and are aſhamed, and Angry with themſelves, if they find ~~they find~~ they have deſerved, and feel the contrary.

From ſuch as theſe no man need fear he ſhall meet any other than fair Dealings, without fraud, or hypocriſie. For he whoſe higheſt Ambition is to do good, will have an irreconcileable diſguſt to the other, whereever he finds it. His Prudence will ſet him above the Arts of Diſſimulation, and make him ſcorn all Frauds, and Crafty Deſigns, as ignoble and beneath him, things which he can never ſtand in need of, and would not uſe, if he did.

Honeſty

Honeſty is ſaid to be the beſt Policy; and it Certainly is ſo: for if a man Converſe with his Superiors, it ſaves him the trouble of Making many a hard ſhift, to Excuſe, or Colour an ill Act, if with his Equals, it begets him reſpect, and Wins them to a Confidence in him; and from his Inferiors it procures him Love and Reverence. To all which God commonly adds his Bleſſing, and makes his Undertakings Proſperous; however, he is at peace with himſelf, and ſuffers none of thoſe Terrors of an Evil Conſcience, which terrify other Men, when no other dare accuſe, and Puniſh them; his Mind is quiet, and Serene, and at reſt in all Events, Contented with what is paſt, and Unconcern'd for what may follow, becauſe his Truſt is in God, and from men he doth not fear that ill uſage, which he is not Conſcious to himſelf he hath deſerved.

SECT.

SECTION V.

I Have now done with thoſe Moral Qualifications, which I thought were moſt Neceſſary to be diſcourſed of on this Occaſion; And I come in the Next place to ſome few Politick Conſiderations, which I take to be abſolutely Neceſſary for the good Execution of the Office of a Juſtice of the Peace. Which are,

A Competent Underſtanding of the Nature of our Government, and Love to it.

Secondly, Of the Nature and Temper of the *Engliſh* People, eſpecially thoſe Under his Care.

Thirdly, Of the Several *Factions* we have amongſt us, and how to govern them. Of all which I will diſcourſe in Order.

All the Governments that we meet with upon Record, have been either by Single Perſons, which are called *Monarchies*, or by a Number of the better Sort, which are ſtiled *Ariſtocracies*, or by the whole People

People, or their Repreſentatives, and from thence are called *Democracies*, or *Mixed* up of two or more of theſe, and are thence called *Mixed Governments*, which, becauſe they may be innumerable, take their denomination from that Part of the Three I have Mentioned, which is predominant in the Compoſition. But I ſhall not Need to be very Exact here, and therefore I ſhall onely take Notice of two; *Monarchies*, and *Common-Wealths*; which laſt do in common ſpeaking include all thoſe Governments wherein many men have the Supream Authority divided amongſt them with Equal *Power*, and a Liberty of diſſenting.

Monarchies have this Advantage, that they are moſt Natural, and moſt Antient.

As *Adam*, and *Noah* were the Fathers of Mankind, ſo they were the Univerſal Monarchs, in that Right: and to their Right all the Princes in the World ſucceed, and have the ſame Power they had, and ought to Uſe it accordingly, as if they were the Fathers of their Subjects. And their Subjects ought again to pay them thoſe Reſpects that are due to their Fathers; the ſame Love, Reverence, and Obedience, ſo that Treaſon is an Unnatural Crime, and Rebellion againſt a man's Prince, is flying

in the face of his Father. Which no provocation on the Fathers ſide can juſtifie.

Monarchy is not only the moſt Natural, but the moſt Antient Form of Government, and moſt general; look into all the Parts of the World, and in the moſt Antient Times, you ſhall find they were Governed by Kings; and this is a Truth ſo apparent in all Hiſtory, that I never met with any Author of any Antiquity, that contradicted it, nor I believe ever ſhall. And amongſt all thoſe People that have of late been diſcovered in *Africa* and *America*, there is no other Form of Government than Monarchy; and the ſame, and onely that, is found in *China*, and all the other Eaſtern Parts of *Aſia*, which have been found out of late Years too; ſo that it is very eaſie to find, and Name ſeveral Nations who have lived under Kings ever ſince the Flood, as the *Perſians*, and *Egyptians*, and many other; but it is impoſſible to ſhew that Place, or People who have been always Governed by a Commonwealth; and as they have all ſprung out of *Monarchies*, ſo all the Antient *Commonwealths* are long ſince ſwallowed up again by *Monarchies*; and thoſe that remain are in more fear of this, than of any other thing whatſoever; which to me is a plain con-

 feſſion

feſſion, that Nature tends that way, which may be repell'd, but cannot be extinguiſhed.

As it is the moſt Antient, and moſt General Form of Government, ſo it is the beſt; all *Commonwealths* have either been liable to Everlaſting internal Broyls, and Commotions, Inſurrections, and Seditions, or have been ſecured from them more by the fear, and dread of the Power of their Neighbours, than their own Conſtitution; So *Rome* had no ſooner maſtered all her Neighbours, and deſtroyed *Carthage*; but ſhe fell into thoſe Wars at home, that brought her under a Monarchy again: and this was the fate of all the *Grecian* Commonwealths, ſo ſoon as ever they grew rich, and powerful, they became inſolent and unquiet at home, and troubleſome abroad, and from thence fell into ſuch Broyls, as made them a Prey firſt to the *Macedonian* Princes, and then to the *Romans*.

2. It is obſerved, That all Commonwealths are forced to maintain themſelves by much Injuſtice, and Ingratitude; it would make a man loath the Name, to ſee how baſely the *Athenians*, and other *Grecians*, the *Romans*, and *Carthagenians* uſed their Braveſt men, whom they commonly ſacrificed

crificed to their Jealouſies in the End, leaſt the Love of the People ſhould have Advanced them to the Throne, and very often without the leaſt cauſe given by them; to their unthankful fellow Citizens. And we have the like inſtances of a later date, but I will ſpare thoſe few Commonwealths, that are now in being.

3. If a Commonwealth once degenerates into Tyranny; and a Set of ill men get the Power into their hands, 'tis ſcarce ever reformed but with the ruine of the Conſtitution; for thoſe ill men take care to fill up all vacancies by men of the ſame Faction and Temper to prevent oppoſition; So the miſery of the Subject is as immortal as the Senate. But in a *Monarchy*, the death of a Prince in poſſeſſion, gives them relief. As it is obſerved in *Tacitus, Hiſt. lib. 4. cap. 74. Vitia erunt, donec Homines: ſed neq; hæc continua, et meliorum interventu penſantur.* As long as there are men, there will be vices, but neither will they be alwaies the ſame; and beſides that, they will be Compenſated by the Succeſſion of good men. The firſt is common to all Forms of Government to feel the Effects of Humane frailty; but the relief he mentions, is only to be Expected in Monarchy.

4. If a Commonwealth falls into a Civil, or Domeſtick War, or be very much oppreſſed by internal Diſſentions, and Factions, or an External force, they have then no other means to ſave themſelves, but the Submiſſion to a Temporary Monarch; and of this the *Romans* may be my inſtance, who in all ſuch Caſes choſe a *Dictator*, who for the time was an Abſolute Prince: and there was always found a Neceſſity of ſomething like it in all the reſt, tho they have another Name for it, and at laſt the *Romans* fell into ſuch a ſtate, that Nothing but their ſubmiſſion to *Auguſtus* could preſerve them from utter ruine.

For theſe and many other Cauſes, which for brevity I omit, I have ever bleſſed God that I was born in a Monarchy, and a Subject to a Prince, who is ſettled in his Throne by a long Succeſſion, and an Undoubted Right, ſo that no Mortal hath any pretence againſt it.

Of *Monarchies*, ſome are Hereditary, others are Elective; the former hath many Advantages over the latter. As firſt, That the Prince in poſſeſſion knowing he ſhall be ſucceeded by his own Children or near Kindred, is bound to ſeek the Welfare, and procure the Love of his Subjects to the Utmoſt: whereas Princes that have

have onely an Eſtate for life, are not ſo careful in that particular, but uſe their preſent Advantage to the Enriching of their private Families; or the Satiating their thirſt after Pleaſures.

Secondly, Elective Kingdoms are ſubject to many miſeries during the *Interregnum* which happens betwixt the Death of one, and the Election of another Prince; whereas in ours the King never dies, but his laſt Breath conveys his Succeſſor to the Throne, and leaves no ſpace for the canvaſing of Factions, and the laying a Foundation for Civil Wars, and the Competition of Powerful, and Popular Men. So that I will conclude with the Words of my laſt cited Author, *Minore diſcrimine Sumi Principem, quam quæri.* There is leſs danger in accepting, than chooſing a Prince. And I cannot but think he that ſubmits to the Providence of God in this caſe, is in as fair a Way to be happy, as he that is to truſt to the Prudence of a Company of Factious great men.

Some Kingdoms are Governed Abſolutely, and Arbitrarily, and others by Laws; the firſt are liable to great hazards of being very ill treated, if a Prince of an ill Temper, or little Prudence fall to their ſhare. Our Princes have given us ſuch

Security, as no other Nation hath; That they will treat us well, They have Aſſured us, that they will Levy no Taxes; but what ſhall be freely Granted by us in Parliament; That they will not Repeal any Old, or Enact any New Laws, without the ſame Conſent of their Subjects; That no man ſhall be impriſoned long without a Tryal; nor Tryed, and Condemned without the Verdict of two Juries of Men of the ſame, or a better quality. And tho our Princes are not puniſhable for ill Adminiſtration, yet all their Miniſters, and Officers are. So that upon the whole Matter, no Nation in the World is better Secured than the *Engliſh*, from Extream oppreſſion, and injury. We have a Set of Excellent Laws in force, and are ſure to enjoy them, till we are willing to part with them; We have a Property in our Lands and Goods, and can truly call them our own, till we have forfeited them by our own Miſdemeanor, and then we are ſure of a fair Tryal, before the Law take them away. Our Poor are Carefully, and kindly provided for; in all urgent occaſions We have Magiſtrates diſperſed all over the Nation for our Security; and for the reſt, our higheſt Courts are open four times in the Year, where all men may have equal Right, the Poor as well as the Rich; and beſides,

beſides, there come two of the Judges twice in every Year into every County, that if any man hath cauſe for it, he may complain, and have Right done him. We have four Seſſions in every Year, wherein the Juſtices of the Peace, or a great part, meet to determine what a few could not, and by Appeals redreſs their Errors; and there is not a Country Village but the King hath an Officer in it to Secure our Peace, and Apprehend Maleſactors.

Now a man would think ſuch a Government, as this ſhould be beloved by all that knew, and had Lived in it; and ſo it would without queſtion, if it were not too ſtrict for ill men, who have deſigns upon their Neighbours Liberties, and Fortunes, tho they pretend the quite contrary. And ſuch Men are not fit to be truſted with any ſhare of the Government, in order to promote their wicked purpoſes.

The Next thing neceſſary in a Juſtice of the Peace, is a Competent Knowledg of the Nature and Temper of the *Engliſh* People, eſpecially thoſe under his Charge.

By the word *People*, I mean only thoſe the Juſtice of Peac is to govern; for all that are above that degree, are out of my

Bounds, and need not be Conſidered by me.

England being an Iſland, and lying Expoſed to perpetual Changes of Winds, and Weather, more than the Continent doth, their Humours and Spirits are in perpetual Motion; and this affects their Minds too, and makes them very uncertain, and very much given to Change, if thoſe that have the Conduct of them, do not frequently inculcate the danger of it, and ſeverely puniſh thoſe that give occaſion to the beginnings of Commotions, that ſo this fear may Counterballance this Natural inclination to Change.

2. The *Engliſh* Blood is very eaſily Irritated, and hard to be allayed, whileſt it is in its fury. Eſpecially if it be inflamed with Drink, and Exceſs, or exaſperated with ill uſage, and Injuſtice. And that is the true Reaſon why we need ſo many perſons to *Keep* the *Peace* amongſt them, and ſo many Laws to Secure it, and prevent Exceſs in Drinking, and *Idleneſs*, which is the Occaſion of Quarrels, and the Nurſe of Poverty. And the great Care of the Magiſtrate ſhould be to Cure this, Firſt, by preventing all Menaces, or Threatnings, by requiring Sureties of the Peace of them that uſe them. Secondly, All Grievous Slan-

Slanders, ſuch as tend to the Ruine of mens Reputation and Livelihood, by Securities of the *Good Behaviour*. Thirdly, All Exceſs, by a Severe Execution of the Laws againſt Tipling, and putting down thoſe Alehouſes that ſuffer Diſorder, and Exceſs. Fourthly, To be ſure not to give them any occaſion to complain of Injuſtice, and Oppreſſion, by an Exact Care to *Keep to the Rule of the Law*, which will Juſtifie him, and keep them quiet; for I have not obſerved, but that they ſubmit patiently to that Severity, which the Law impoſeth on them, if they be once ſatisfied the Law is ſo.

3. What *William* the Conqueror obſerved of the *Normans*, is as true of the *Engliſh*. If they be Governed Well, and Severely, they are Valiant, and in great difficulties Excel all other men, endeavouring to maſter their Enemies: But if this be neglected, they tear and deſtroy each others, for they Love Rebellions, and Seditions, and are ready for all ſorts of Miſchief. Let them therefore be reſtrain'd with ſeverity, and be forced by the Rein of Diſcipline to keep the Path of Juſtice; for if this Wild Aſs be ſuffer'd to go Unyoaked, they and their Princes will be Overwhelmed with Poverty, and Confuſion; *This* (ſaith that Prince) *I have learned by much Experience.*

4. But

4. But then they must be *Governed Well*, that is, with Prudence, and Justice, as well as with Severity; for it may be there is no Nation under Heaven so impatient of *Injury*, and *Wrong*, as the *English*, and whatsoever is not precisely according to Law, they will Esteem such, and when occasion serve, revenge it. But neither can they bear too much Lenity, and Mercy; they grow insolent, when they are Flattered, and Courted, and never regard those that seem to fear them. The Advice therefore of the *Conqueror* is good, and as fit for our Days, as if it had been given but Yesterday.

5. The *English* are not more Couragious in Visible and Apparent Dangers, which they never fear, than Timerous and Suspitious of every thing they hear; the most incredible silly Story in the World frights them into Disorder, and Confusion, and, without Examining the truth, or possibility of the Report, they rush into Action, and follow them that pretend to Lead them out of those difficulties; And of this we had abundant Experience in the late Times, and have lately had enough again to remind us of it; and herein the Care of the Magistrate should be, to punish severely the Spreaders of Libels, and false Reports, and

and the Fomenters of Falſe deluſory fears, and jealouſies.

6. The *Engliſh* are very Religious Naturally, and in the Times of Popery almoſt ruined themſelves by their Liberality to the Church, and Monaſteries; but the folly of that being diſcovered at the Reformation, they have ſince run to the other Extream, and almoſt ruined the Church, by tearing what they could from it; and they are now as mad of running after every new Sort of Teacher, that pretends to ſhew them an undiſcovered Way to Heaven, as they were of the *Monks* and *Fryars* before; and this hath a miſchievous Effect upon the State too, and will Eternally endanger our ruine, till it be redreſſed by a Conſtant, and Severe Execution of our Laws againſt *Conventicles*, of which I ſhall ſpeak more, when I come to Conſider our Factions.

7. In Antient Times the People were ſo addicted to the Nobility, and fond of their Gentry, that two or three diſcontented Noblemen made nothing to bring an Army into the Field, and fight their Soveraign; but the Wars betwixt the Houſes of *York* and *Lancaſter* having almoſt totally Ruined, and Extinguiſhed the Antient

Power

Power of the Nobility. *Henry* the *7th* by Politick Laws. *Henry* the *8th* by his Violence, and Queen *Elizabeth* by her Severity againſt the Great Men, and Condeſcentions to the Populacy, have ſo turn'd the Tide the other Way, that the People do now as much Slight, and Undervalue them: And to this the Factions in Religion have contributed very much; for one of the firſt Principles theſe Lanthorn men teach their followers, is to deſpiſe their Betters, and ſuſpect, and ſpeak Evil of their Superiors, which Added to the Natural Envy all men have for them who live in a more ſplendid condition, bids fair for the Extirpation of all our Gentry, and Nobility, if they do not regain the Love of the People by Virtue, and Extinguiſh theſe Factions by a ſevere, and conſtant Execution of our Laws, as I ſaid before; but however, this they may be certain of, the Enemies of the eſtabliſhed Religion are their Irreconcileable, and Sworn Enemies.

And this brings me to the third Thing neceſſary to be known, *viz. The ſeveral Factions we have amongſt us, and how to Govern them.* Which I reckon to be three, the *Popiſh*, the *Puritan*, and the *Commonwealth* Party; which is made up of Men of all Religions in pretence, tho in the Bottom they may be ſuſpected to have none.

Popery

Popery was once the Sole Religion of *England*: and altho they were well diſpoſed to throw it off by the *Exactions* and *Oppreſſions* of the Court of *Rome* in the days of *Henry* the 2*d*, and King *John*, as appears by the Complaints made of them in the Reign of *Richard* the 2*d*, and at other times in Parliament; yet when *Henry* the 8*th* reſolved to Extinguiſh the Pope's Supremacy by an Oath, many ſtuck ſo heartily to it, that they Suffered Death, of whom Sir *Thomas Moore* was the Chief, who had been Lord Chancellor of *England*; and beſides, that Prince maintained the greateſt part of the Popiſh Doctrine intire to his laſt breath; *Edward* the 6*th* reformed the Doctrine too; but he Lived not long; and Queen *Mary* his Succeſſor threw all things back again into their former ſtate, and reconciled her Self, and the Nation to the Pope: Queen *Elizabeth* on the other ſide, fallowed the Example of her Brother, and ſettled the Religion, as now it ſtands; but then theſe irregular Motions kept mens Minds in great Suſpence, ſo that they knew not what to think; and ſome men had changed ſo often to Comply with their Princes, that at laſt they were aſhamed to change any more, and ſo Continued Papiſts in Queen *Elizabeths* time, tho they had been Proteſtants *Popery.*

in

in the Reign of *Edward* the 6*th*. Others imbraced the Proteſtant Religion then; with a reſolution to deſert it again, if the Times Changed; but their Children became ſincere, and they died in that Profeſſion, when they never had any occaſion to alter it with Safety. And many thro Prejudice and Education, and for Want of Means, and Ability to Examine things, Continued in the Popiſh Religion; but yet the greateſt part of the Nation took up an hearty Averſion for it, out of a deteſtation of the Cruelty they had ſeen uſed in the Reigns of *Henry* the 8*th*, and Queen *Mary*; and of the Treacheries they had ſeen practiſed againſt Queen *Elizabeth*, whom they infinitely Loved and Admired.

And indeed the Length, and Proſperity of her Reign, had in all Probability put an End to that Faction in *England*, if two things had not kept up their hopes, and revived it.

The firſt of which was their Expectation, that *Mary* Queen of the *Scots* would have ſucceeded her in the Throne, who was true to them; and when this was Cut off by her death (tho that was a long time after,) yet they ſtill flattered themſelves ſome other perſon of their Perſwaſion would inherit her Crown, and put an end

to

to their Sufferings: And the truth is, it is the Nature of Mankind to hope for Extraordinary aſſiſtances from God, eſpecially when they ſuffer for Religion; and this is it that maketh it ſo difficult to Extirpate thoſe *Factions* that are built upon that pretence.

The ſecond thing that tended to uphold *Popery* in *England*, was the *Policy* of *Philip* the 2*d*. King of *Spain*, who to revenge the Aſſiſtance the Queen lent his Subjects in *Flanders*, then in a War with him; built ſeveral Colledges at *Doway* and other places, for ſuch *Prieſts* and *Jeſuits* as fled over to him out of *England*, and endowed them with ſome ſmall Revenues, and theſe made it their buſineſs to draw over as many of the *Engliſh* Youth as they could, eſpecially of the Nobility and Gentry, and there they bred them up in an invincible hatred of the Religion by Law Eſtabliſhed; and Others they ſent over with Orders to preach up *Popery* as much as they durſt; and had it not been for this, there had been very few Papiſts left at that Queens death, who reigned 44 Years.

Tho King *James* were infinitely diſobliged by this *Faction* at his firſt coming to the Crown, by the *Powder-Plot*, and ſo made Severer Laws againſt them, than

Queen

Queen *Elizabeth* did; yet neither were they Carefully Executed in his, or his Sons times, yet this *Faction* ſenſibly decreaſed, and a great part of thoſe that remained were ruined by the War; and the late Plot in this King's time hath proved very effectual to bring off many more from that Opinion; ſo that by one means, or other, it is become one of the moſt deſpicable *Factions* in this Nation; and if the Blow had been well followed, might perhaps have been intirely ruined.

Had Queen *Elizabeths* Methods been well purſued by all her Succeſſors, they muſt in likelyhood have been Extinguiſhed; but there was an Odd ſort of Policy taken up, which was to Slacken the Execution of the Laws againſt them, that they might be a Counter-ballance to the *Puritan Faction*; which produced two great Evils. Firſt, They were ſo far from lending us any Aſſiſtance againſt the *Diſſenters*, that their *Prieſts* encreaſed the Number of them by Preaching up their Opinions, and Adding to them, as appears by a ſmall Pamphlet called *Foxes and Firebrands*, which proved they were the Fathers of Extemporary Prayers in Publick aſſemblies. And by ſeveral other ſuch Stratagems which they imployed againſt us.

Secondly,

Secondly, Theſe *Diſſenters* made it their great buſineſs to inculcate into the Heads of the Rabble an Opinion, That all the Lenity, that was uſed towards the Papiſts, proceeded from a Love to Popery; which both made more *Puritanes*, than there would otherwiſe have been, and made them better thought of by the Rabble, ſo that inſtead of Diminiſhing, or Weakning that *Faction*, it encreaſed it, and added reputation to it; and the *Papiſts* made the ſame uſe of it, and drew over ſome Weak, and Unſteady Souls to joyn with them; ſo that our Enemies encreaſed on both ſides, but eſpecially the *Diſſenters*; and this was all we ever did, or can get by that Extravagant piece of Policy.

Beſides all this, the People will ever entertain jealous thoughts, and be diſcontented at all thoſe, that ever ſo little favour the Papiſts, and ſo long as there is any Number of them amongſt us, beſides all the diſquiet they give us, the Factious Diſſenters will take hold of that pretence to do us a miſchief, as time, and opportunity ſerve.

So I conclude it is the Intereſt and Duty of all Magiſtrates, to put the Laws againſt them Conſtantly, and Vigorouſly in Execution, and eſpecially thoſe againſt

ſending their Children beyond Sea to be bred in the *Seminaries*, and *Jeſuites* Colledges, where they learn more Malice and more Skill, than they could do in *England*.

And becauſe this is a work of time, it is their Duty in the interim to ſhew the People two things; Firſt, That theſe reliques of Popery are not in any Capacity of doing us any great miſchief, if we do not contribute to it by our own folly, they being few in Number, and generally hated. Secondly, That the *Diſſenters* are never a Whit better, than the *Papiſts* in many of their Opinions, or Practices, eſpecially thoſe that relate to Government; and that tho they have ever declaimed moſt furiouſly againſt Popery, yet they have always maintained under-hand a Correſpondence with them, and they have mutually helped one another to deſtroy us.

And even when the *Diſſenters* knew it not, have they been influenced by Popiſh Emiſſaries in diſguiſe, who inflamed their fiery Spirits during our late Rebellion, and drove them to that height of Fury, that they Murthered their Prince, and an hundred thouſand of their fellow Subjects with unheard of Barbarity; and yet in the mean time little thought whoſe Agents they were,

were, and now the Secret is diſcovered, they purſue the ſame deſign, and lay all that is paſt to theſe Papiſts, tho not one of a Thouſand was ſo, as all the World knows. It were more ingenuous to Confeſs their Error, and forſake all thoſe Courſes, and Principles, which gave the *Jeſuits* opportunity and encouragement to puſh them on to ſuch Lewd, and Wicked Practices.

The Puritane Faction.

Before I was *aware* of it, I am fallen upon the ſecond *Faction*, which is the *Puritane*, this was at firſt all of a piece, and all *Pure Presbyterians*; but in the Reign of Queen *Elizabeth*, began to ſubdivide, and in the Late Rebellion they Crumbled into ſo many, that they have now no common Ligament to Unite them, but their hatred to the Religion by Law Eſtabliſhed; and *Presbytery* which gave them all life, is now one of the ſmalleſt, and moſt Contemptible amongſt them.

The Riſe of this was owing to the *Marian* Perſecution; for many of our Country-men, eſpecially the Clergy, were by the fury of it forced to flee into *Germany*, where ſome of them ſettled at *Geneva*, *Zurick*, and other Places, which had imbraced *Calvin*'s Method of Diſcipline, and ſo became in Love with the Novelty of it; others ſtuck to that which had been ſet-

led here in *England* in the Reign of *Edward* the *6th*; and this Cauſed a ſharp Bickering betwixt them at *Franckford* in the Year 1554, in which they that ſtood for the *Engliſh* Liturgy at laſt prevailed.

Queen *Mary* dying ſoon after, theſe too, got the ſtart of the *Geneviſts* in their return, and the Queen, who underſtood her own Intereſt very well, Settled the Religion as now it ſtands; Knowing that *Presbytery* was Calculated for *Common-Wealths*, and deſtructive of the Rights of Soveraignity and Monarchy. Yet She Advanced many of theſe men to Deanaries, and inferior Dignities in the Church; and they again ſo far Complyed with the Religion Eſtabliſhed, as not to make any open ſeparation from it, tho they were ever, and anon Complaining of Ceremonies and humane Impoſitions. The reaſon of their Compliance was, becauſe they had no great Party in *England* to back them; and the Reaſons why the Queen bore with them were, the Want of Learned men to ſupply thoſe Places, their Zealous Preaching againſt *Popery*, which was then the only *Faction* that was feared, and the hopes many men had that in time they might become wiſer.

In the firſt 9. Years of the Queens Reign, the *Papiſts* as well as the *Diſſenters*

ters frequented our Churches, and Liturgy, and they began the Separation both at once; and it is now apparent, that *Hallingham*, *Coleman*, and *Benſon*, three of the firſt *Puritan* Separatiſts, were *Roman Prieſts* in diſguiſe. As is undeniably proved by Dr. *Stillingfleet* in his *Preface* to the *Unreaſonableneſs of Separation*, &c. from that Pamphlet I lately mentioned, called, *Foxes, and Firebrands*, which was Publiſhed by Dr. *Nalſon*, and is in his Firſt Voll. of *Hiſtorical Collections*, reprinted; ſo that it is probable, if theſe Romiſh Prieſts had not puſhed things forward of Purpoſe to ruine us by Diviſions, this Faction might have expired with thoſe men that brought it out of *Germany*.

But however, there were two things recommended it. The deſign of Extirpating *Epiſcopacy*, made all thoſe men favour it, who had a mind to the Biſhops Lands, and had any hopes to poſſeſs themſelves of them, which were then Courtiers, under the Queen, and ſome Country Gentlemen. Secondly, The inferior Clergy, who were ambitious, and well conceited of their own ability, were highly pleaſed to be infranchiſed from the Juriſdiction of the Biſhops, and with the Aſſiſtance of two Lay Brothers, to govern all at their diſcretion, and many of the Laity

had a mighty conceit to be tampering with Church Diſcipline, which the leſs they underſtood, the better they thought they could manage it.

And *Scotland* Reforming at the ſame time, the Queen (who preferred any Religion before *Popery*) ſuffered *Presbytery* to be ſettled there, tho, ſhe might, perhaps, have prevented it at firſt. And the intercourſe that from thenceforward was betwixt the *Scots* and Us, increaſed very much the Number of Our *Engliſh* Diſſenters.

Having thus won Over in time a Conſiderable Number of the *Engliſh* to joyn with them, and finding there was no probability to perſwade that Queen to unſettle the Church again to introduce their Diſcipline; and Perceiving they got ſmall Advantages by Preaching, they fell a Printing Libels againſt the Biſhops, and Church-Government, and Ceremonies, inſolent Petitions to the Parliament, and in Clandeſtine manner held great Meetings of their Party, and in them reſolved to ſet up their Diſcipline without Law, and againſt the Queens Will, and ſome of them attempted to raiſe Inſurrections in *London*, and were hanged for it, and the reſt proſecuted in the High Commiſſion, and other Eccleſiaſtical Courts.

So

So they got ſmall Advantage during the Reign of Queen *Elizabeth*, and not much more in King *James* his time, his Majeſty being perfectly well inſtructed in their Principles, Practiſes, and Tempers in *Scotland*, by the Experience of what he and his Mother had ſuffered by them; ſo diſpairing of Prevailing by Art upon the Crown, they Moulded themſelves into a State Faction, and by recommending their diſciples and favorers to the People for Good-Commonwealth-men, hoped in time to Force the Crown, to vail to the Scepter of Jeſus Chriſt, as they Blaſphemouſly call'd their Diſcipline, by getting them into the Houſe of Commons, by which means they plagued King *James*, and at laſt ruined his Son.

But theſe Good-Common-wealth-men, when they had got what they aimed at, had no more mind to ſubmit to *Presbytery*, than the King before them; and there were ſuch a powerful Quantity of Under-Suckers ſprung up, that it was not ſafe in the Uncertainty they were then in, to diſguſt them; ſo *Presbytery* was laid aſide firſt, and then perſecuted, in *England*, and totally ruined in *Scotland*; and *Independency* reaped the Crop of Advantage which *Presbytery* had ſown in blood; and by the Help of a general *Toleration*, there was

as great a Swarm of ſeveral Religions in *England*, as there was of Lice, and Frogs, in *Egypt*, till at laſt the Land ſtank with them.

And the *Common-wealth-men* too, fared no better than the *Presbyterians*, for when by a long Series of Hypocriſies, Perjuries, Treaſons, Bloodſhed, inſufferable Taxes, Sequeſtrations, Plunderings, and Decimations, they had almoſt ruined and impoveriſhed the Whole Nation, their own *General* and Army at laſt turn'd them out of Doors, and took poſſeſſion of the ſpoil, and left them to ſhare the Sin, and Infamy amongſt them: And ſo the Nation, after a tryal of a brace of Tyrants, and half a dozen Sorts of *Common-wealths*, returned in the Year 1660, to the ſame ſtate it was in before, under his Majeſty who now Reigns. Whom God Long Preſerve.

I have drawn this *Narrative* as ſhort as ever I could, and by a Neceſſary Conſequence, I have been forced to Leave out many Particulars fit for Magiſtrates to be acquainted with, in order to the fully underſtanding how deſtructive theſe Mens Principles, and Practices are, both of the *Engliſh* Liberties, and Government, and alſo of the Religion Eſtabliſhed, and indeed of all Monarchies whatſoever: But

if

if the Reader desire further information, he may have recourse to the Piece I cited above of Dr. *Stillingfleets*, and to Dr. *Heylin's History of Presbytery*, who have Learnedly treated, with others, of this subject at large.

All that I will infer from it, is, That be the difficulty what it will, these Factions must be suppressed, and Extirpated, or the Government and Peace of *England* can never be Secured; We all see how Near the brink of Ruine and Destruction they brought us once before, and it is ridiculous to expect the same causes will not produce the same effects, if they be not Over-ruled by the Divine Providence, from which it is in vain to Expect any assistance, without our Concurring endeavours as far as we can or may.

And this a man would think, were a sufficient Reason for the putting in Execution all our Laws against them, who have treated us so hardly without, and against Law, and by all the Crimes that ever were or can be perpetrated by men, endeavoured to destroy us; and he that can seriously reflect upon all this, and yet believe that they mean us no harm, must be left to Experience, the Mistriss of Fools, for better information.

But

But then the Reader may be pleaſed to conſider, it muſt be a conſtant as well as a ſevere Execution, that muſt do the buſineſs, it is, as I ſaid, a Work of time, and Factions in Religion are not to be ſuddenly rooted out; except we would depopulate our Country as the *Spaniards* did by baniſhing the *Moores* all at once, the ill effects of which they have ſince found, but cannot Remedy.

For if we be ſometimes Severe, and at others Careleſs; the one will enrage them againſt us, and the other enable them to Execute their Malice upon us at one time, or another; and it may be, when we leaſt expect it, tho it is at all times to be feared.

For they are a Faction in our Boſomes Strong, and Vigilant, who never did nor will ſlip any opportunity to advance themſelves, and bring us under, and they will never want Monitors to incite, and ſtirr them up againſt us, as long as there is a *Jeſuite* in the World, that is Knave enough to diſſemble with God and Man, and pretends he is one of their Party; And they will never want aſſiſtants as long as the Common-wealth Party is in being, who can rely upon none but theſe, for the Extirpating the Monarchy.

So

So I come to the third Faction, which is the **Commonwealth Party**, of which I have been neceſſitated to ſay ſomething before the Time, of which Faction I may ſafely ſay, that it is of no Antiquity, for in Antient Times, when ever any Conteſts happened betwixt our Kings, and their Subjects; tho they Depoſed, and Murthered ſeveral of their Kings; as *Edward* the Second and *Richard* the Second, and Rebelled againſt others; yet they never went about to deſtroy the Monarchy, but ſet up the right Heirs, or others of the Blood, in the place of the Dethroned Prince; but for any Attempt to ſet up a Common-wealth, all our Hiſtories fail us till the laſt Rebellion, and then upon the Murther of *Charles* the firſt, they declared againſt Kingly Government, and for a Government without a King, or Houſe of Peers.

Some have thought this was no part of their Intention at firſt, but that they came to it by the Event of Affairs, beyond their Intentions, but he that ſhall ſeriouſly conſider by what Steps and Methods they brought things about and the Principles of the chief Men that managed their Affairs; can never think, that they intended leſs when they began; tho they were forced to conceal their deſigns be-

becauſe the diſcovering them too ſoon would certainly have defeated them. And I have read, that one of them thanked God, that he had Lived to ſee a Common-wealth ſettled in *England*, which he had deſigned to introduce 30 years before.

And in the Cloſe, they did what they could to have had Monarchy and the Royal Family abjured tho they failed in the effecting it. *Vide* the ſhort View of the Late Troubles, *pag.* 471.

1. In the next place it is fit to conſider, whence this hankering after a Common-wealth ſprung, and how it came to infect the *Engliſh* Nation; ſome have aſcribed this to the more frequent reading of *Greek* and *Latin* Authors, and tho this might have ſome effect upon Tainted Minds, yet it is a Cauſe too weak to produce ſuch an Effect. And therefore I rather aſcribe it, Firſt to the Presbyterian Principles, for as they are exactly Reipublican, as hath been made to appear, ſo the Men who firſt took up, and drive on thoſe Practiſes, were all of that Party to a Man, or of thoſe that had ever mightily favoured them.

2. In the next place, I reckon the Neighbour-hood and Proſperity of the *Dutch*, who having by War freed themſelves

ſelves from all Obedience to their Prince, the King of *Spain*, chiefly by the Aſſiſtance of the *Engliſh*, thoſe Souldiers that had lived many years amongſt them, took ſuch a fancy for a Common-wealth, that nothing could ſatisfie them without it, and accordingly I have obſerved, that moſt of the Officers that the Parliament imployed in the beginning of the late War, had been bred Souldiers in the *Netherlands*.

3. As the Papiſts ſend their Children to St. *Omers*, and other places to be Educated in an Averſion for our Religion; ſo theſe Common-wealth Men ſend theirs to *Holland*, *Geneva*, and other ſuch places, from whence they return poyſoned with Antimonarchical Principles, and are always ſeeking opportunities to diſtaſte the People with our Ancient Government.

4. The diſcovery of the *Weſt-Indies* brought a vaſt Wealth into *Europe*, much of which falling into the hands of the *Engliſh* Nation, they grew Proud and Ungovernable, eſpecially after King *James* had put an end to the War with *Spain*, and they had enjoyed a Peace of near Thirty Years Continuance, and that Trade and Peace, and Wealth, ſhould make men Ungovernable is no new thing, as long as the *Grecians* and *Romans* were poor and weak

weak, they lived contentedly under Kings, but when they grew Rich, and Powerful, they threw off that Government, and ſet up Common-wealths.

Two things afforded them great opportunities, if not Temptations to it: The firſt was, the Poverty of the Crown. The Old Revenues were much impaired by the Liberality, or Neceſſities of our Princes, and no relief could be had but in Parliament, and there they knew ſo well how to truck, that no *Prerogative no Money*; They would not freely give, but ſell the King Supplyes for Liberty; and they took care too to increaſe that Neceſſity, by engaging the King in Wars, and then denying him Money to carry them on, and to diſcontent the People at the ſame time at the Unproſperous Events of them. Thus the Crown grew every day poorer, and the People Richer.

Another thing was, the Factions in Religion, which howſoever they were Managed, one Party or other were diſſatisfied, and thereby diſpoſed to Wreak their Malice on the Crown, by Electing ſuch Men to ſerve in Parliaments, as were ill diſpoſed to it. Whereas before, when *England* was all of one Religion, it was ſcarce

ſcarce poſſible to pretend any thing, in which the whole Body of the People were Concern'd; So that theſe Animoſities in Religion, ended in a Civil Faction, and many Ambitious Men who cared for No Religion, did yet make uſe of them, as tools to Work their Ends upon the Crown.

Two other things Contributed very much to the effecting their deſigns. Firſt *Scotland* led the Dance, and Rebelled upon pretence of Religion; and altho the King might eaſily have Conquered them by a Battel, or Blocking up their Harbours; yet being a Tender Prince, and unwilling to ſhed the Blood of his own Traiterous Subjects; he rather choſe to end the Controverſy by a Treaty; which gave them time to Concert their Affairs with the *Engliſh* of the ſame Faction, and that furniſhed them with means to raiſe another Army and enter *England*, which neceſſitated the Calling of that Fatal Parliament, which had like to have ruined the Monarchy, and Nation both at once.

Secondly, the *Iriſh* Papiſts Rebelled at the ſame time, and riſing ſuddenly, Maſſacred 100 000 *Engliſh*, which ſo depopulated *Ireland*, that the King could have no Aſſiſtance from it, the remaining *Engliſh*

gliſh being hardly able to Subſiſt; and the Parliament made another Advantage of it, by perſwading the *Engliſh* to believe the King had Procured this deſolation there.

The City of *London* lent the Parliament Money, furniſhed them with Tumults to Drive the King out of it firſt, and then with Armies to force him back again; and too many of the Gentry were Lazy, and would not ſtir, timerous and durſt not, diſcontented, and willing the Crown ſhould be reduced, tho not ruined.

But when they came to put the Project in Execution, and after the ruine of the King's Forces, to erect their Commonwealth of *England*, there were other difficulties that could not be overcome, their own Army that had done their Drudgery, would not be Disbanded, and they could not force them. They had rid their hands of one of the Three Eſtates that Conſtitute our Parliament, the Spiritual Lords, at firſt. And there was a parcel of Lords Temporal, who for a long time Acted with them; but at Laſt, being not able to digeſt the Inſolence of the Commons, ſtood off; upon which they Voted them *Uſeleſs*, and laid them by too. So that all was then in the hands of the Commons.

They could not, or would not Diſſolve them

themſelves, in the ſtate things then were, for then the whole Power would have been in the Army, and Officers, who might eaſily have prevented the Meeting of another Parliament, and the whole Nation was diſſatisfied to ſee them divide the ſpoil, and profit, amongſt themſelves, without any hope that any, but they and their Relations ſhould partake with them in the reward, as they had in the danger; the Gentry were generally known to have Wiſhed well to the King, and the Rabble were to be pleaſed, by ſuffering them to inſult over their Old Maſters, and the Royal Party, tho Conquered, were not dejected, and the Godly Party were fallen in Sunder, and the *Independents* were perſecuting their Sire, *Presbytery*.

The Commons were a Body conſtituted of two Knights for every Shire, and two Burgeſſes for each Corporation; and the Latter exceeded vaſtly the former in Number: and tho this inequality had not been much regarded Under the *Monarchy*; yet now the Houſe of Commons was to be made the *Standing Senate* of the Nation, the Counties Would not indure it; if the People had ſuffered any Grievance under the Monarchy, they Complained in Parliament, and had redreſs. But Now

they had no body to complain to but the Commons, and they, when the Caſe became their own, Anſwered them with Blows, and Death.

So that what looked ſo prettily, and eaſy to be affected at a diſtance, when it came to be tryed, was found impracticable, and the moſt inſufferable Slavery in Nature, and one fell to deviſe one Remedy, and another another; but none would do, and the Commons were not to be diſpoſſeſt of what had coſt them ſo many Lives to purchaſe it, ſo the Sword determined the Controverſy here too, and to the general joy of the whole Nation, the General, and Army-Saints ſent them packing to Conſider, what they had done and what they deſerved, but the Wealth they had got by Villany, did yet afford them ſome Conſolation in this World. As I ſaid before.

I have been as ſhort, as poſſibly I could, and I have purpoſely omitted many things, which ſhould otherwiſe have been ſpoken that I might be ſo; and now with the Readers Patience, I ſhall enquire whether the deſign of extinguiſhing the Monarchy, be really and totally laid aſide at this day: to which I anſwer No.

For firſt all the Principal Cauſes do ſtill ſubſiſt, We have the ſame Religions, which then

then we had, and they have the ſame Principles, and Diſpoſitions, and follow the ſame Methods they then did; they Educate their Children in the ſame Places, and recommend the ſame ſort of Men to the People they did before. But there are ſome things, that ſtand in their way, which did not then.

1. His Majeſty hath a better Revenue then his Father had, and this is a great Block in their way, but they hope it will end with his Life, and in the mean time we know, what hath been done to Curb him in that particular.

2. His Majeſty hath a ſtrong Guard alwayes in Pay, ſo that Tumults are not ſo ſafe, eſpecially at *White-hall* Gates, as heretofore they were, and this is the cauſe the Nation have been told, that they are Papiſts, and dangerous to the Liberty and Property of the Subjects.

3. The Militia of the City of *London*, and the reſt of the Nation is in Truſty hands, and no Rebellion can for the preſent be ſafely begun, and therefore the Chief Officers are Traduced to the People, as Men of Arbitrary Principles, favourers of Popery, and Papiſts.

4. The Miniſters of State are all repreſented to the People, as *French* Penſion-

ers, and Papiſts in Maſquerade. What the meaning of this is, my Lord *Bacon* ſhall tell you. This is a ſure Rule, that if the Envy upon the Miniſter, be great, when the cauſe of it, in him, is ſmall; or if the Envy be General in a manner, upon all the Miniſters of an Eſtate; the Envy (tho hidden) is truely upon the State it ſelf. Eſſay the 9*th.* But then 'tis not ſo eaſie to deſtroy them as it was before, becauſe 'tis better known now.

5. *Scotland* and *Ireland* are quiet, and His Majeſty hath good Guards in both of them to keep them ſo, whereas his Father had none, and tho there have been dreadful Complaints of them, and divers Attempts in *Scotland* to deſtroy them, by the Covenanting Whiggs, yet it will not do, there they are ſtill, and no body can help it.

6. The Nation hath a ſtrong Impreſſion left of the Miſeries of the Late War, the Blood-ſhed, Taxes, and Tyranny they then groaned under, and his Majeſty cannot forget the Methods that were uſed to deſtroy his Father, and Baniſh him, and he will never give them *leave* to play over the Old Game, and this was it, which made the Late Conſpiracy to Murther him, ſo neceſſary.

7. The

7. The Houſe of Peers have no *mind* to be Voted down the ſecond time, and they ſtoutly oppoſe what ever tends that way; and the Diſſenting Lords have loſt the Aſſiſtance they formerly had, from the Popiſh Peers in that Houſe, and may proteſt and complain, but could never carry one Vote ſince; a manifeſt Argument, how much the Puritan, and Popiſh Faction ſtand in need of each other.

8. The liberty of the Preſs was for ſeveral years loſt, but ſince that reſtraint ended, we have not wanted Seditious Pamphlets, to incite the People to another Rebellion, which were written by ſome body for ſomething, and were bought up, and read by vaſt Numbers of People, who in all probability, had no mighty Averſion for them.

The ſame Fears and Jealouſies have been revived and buzzed induſtriouſly, into the Heads of the People; but there is a certain Act of Parliament, that makes it dangerous to Traduce the King, as they did his Father; but what no body durſt ſpeak directly, they can ſlily inſinuate, and avoid the danger of the Law at the ſame time; and there are ſeveral other Acts of Parliament, which have made the deſign of the Republicans difficult, which I will omit.

Now, I ſay, conſidering all theſe Difficulties that were not before, and that all that were before are ſtill in being, and that Men have naturally an Averſion for hempen Neck-laces; I ſay, conſidering theſe things, any man, that will, may ſee there hath been as much done, as could be, towards the ſetting up another **Common-wealth**, and more then the Gentlemen in 41 durſt do, till they had an Army to back them, and if any man be diſpoſed to believe theſe things come to paſs by chance, and without any deſign, there is no reaſon why I ſhould diſturb the reſt of the world, by endeavouring any further to ſatisfie him, which in all probability is impoſſible.

But there is one queſtion behind ſtill, and that is, What the Inferiour Magiſtrates and Juſtices of the Peace, ſhall do to prevent this Faction from attaining what they aim at?

1. To which I anſwer, firſt, take away the Cauſe, and the Effect will follow, the Puritan Principles, and Factions gave Being to this, and with them it will fail; but as long as they ſubſiſt, and are powerful, the Common-wealth Party will be ſo too, it is true that many forſake the Factions in other things, but joyn with them

them in this, but then they are falſe at the heart, and have left the reſt, only becauſe it was chargeable, being of that Party, and are to be treated accordingly, and never to be truſted.

2. The People are frequently to be told of the Miſeries they endured, during the Late Times of Anarchy, and Confuſion, that the Memory of them may not be forgot in the next Generation; and by what means the Nations became involved in them, that they may not have the opportunity of Re-acting the Old Tragedy.

3. The Government ought to be repreſented to the People as it is; that they may know their own happineſs, and live obediently under it. A good Man would not endeavour to ſubvert any Government that were Eſtabliſhed, tho it were none of the beſt, becauſe the Miſeries that attend ſuch Changes, are greater for the moſt part, then thoſe that are pretended to be removed by them, but for us, to attempt to pull down one of the Ancienteſt, and beſt Conſtituted Governments in the World, under which *England* hath flouriſhed ſo many Ages, and to deliver our ſelves up into the hands of a Company of Ambitious Men, to be treated we know not how, and Governed we know

not which way, is perfect Madneſs.

4. "It is well obſerved in *Tacitus*, Li-
"berty and other Specious Things are
"pretended; Nor did ever any man ſeek
"a Dominion over others and to enſlave
"them, but he made uſe of ſuch preten-
"ces for it. We have tryed theſe Men,
and by experience have found that they
are meer Pretences, and that there is no
ſweeter Liberty in the World, then to
live under a good Prince, and God hath
given us one to our hearts deſire, let us
not be ſuch Fools as to catch at ſuch ſha-
dows as they offer to us, and looſe the
real, and ſolid good things we do en-
joy.

5. The Throne is eſtabliſhed by Righte-
ouſneſs, *Prov.* 16. 12. And ancient Hiſto-
ries afford us many inſtances of good Prin-
ces, that have been ruined by the Injuſtice
of their under Officers, when the People
have been inraged by them; Now every
Inferiour Magiſtrate may in this contri-
bute much, to the diſappointing the wick-
ed Deſigns of this Faction by doing Juſtice,
and cutting the Roots of all Diſcontents,
before they riſe to Aſſault the Throne, or
ſpread to undermine it. It is a common
Complaint, that we have excellent Laws,
but they are ill Executed. I know the whole
fault

fault of all this ought not to be aſcribed to the Magiſtrates; but yet we are not ſuch as we ought to be: If any ſhare of it lies at our Doors, and if the Throne be made odious and conſequently weak by our defaults, we muſt expect to ſuffer firſt, and to bear the blame of it hereafter; our Oaths will keep us from joyning in a Rebellion, and our Loyalty make us obnoxious to their Cruelty, which as *Tacitus* ſaith, is the greateſt Crime amongſt Rebels.

If therefore neither the Memory of what is paſt, nor the ſence of what is preſent, our own nor others experience, will prevail upon us, to prevent the ill Effects we muſt in reaſon expect from the Conjunction of the Puritan, and Commonwealth Factions United, and Fermented by the Popiſh; if we will ſtill reſolve to try whether our Saviour's Rule is true, *That a Kingdom divided within it ſelf cannot ſtand*, Math. 12. 25. then are we ſuch men as deſerve no pity from God, or Men whatever follow.

But on the other ſide, if we would buckle to the Work, and with Zeal, and Induſtry, and Patience purſue it, by God's Gracious Aſſiſtance, we might ſoon bring under theſe two Factions, and in time Extirpate all the three, not by a deſtruction

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of their Perſons, but of their Pernicious and Diſloyal Principles, and whoever hath but the leaſt ſhare in this great work, ſhall be bleſſed in this, and all ſucceeding Generations.

SECTION VII.

I Come in the next place to ſpeak of a ſort of Qualifications ſo neceſſary in a Magiſtrate, that without them he will never be able to diſcharge his Duty, as he ought, which I ſhall reduce under theſe three heads.

1. A great Love to Juſtice.
2. Impartiality in executing it.
3. Averſion for thoſe things that may hinder it.

Solomon ſaith, *It is a joy to the juſt to do Judgment*, Prov. 21. 15. And except men take a joy in it, Judgment will certainly be ill done, if at all, eſpecially by thoſe men who have no other reward for it, then the ſatisfaction of their own minds, and the ſenſe of having ſerved God and their King and Country in a Station, that

that brings them no perſonal Advantage. We may ſay truly of the Juſtice of Peace his Calling, that there is much Noiſe, and no Wool, and as for honour, the better he is the leſs he muſt expect it, in this perverſe Generation. Envy and Ill will he may be ſure to reap, but for any ſollid ſatisfaction, unleſs what reſults from the Peace of his own Mind, and the bleſſed hopes of a Future Reward from God, the Righteous Judge of Men and Angels, he will find himſelf miſerably deceived in the Event, if he at all expects it.

And this is not the worſt of it neither, difficulties he will meet, that will require the utmoſt degree of Patience, Prudence, Induſtry, and Attention to diſpel them, and without Gods particular Aſſiſtance, it will not be done at laſt, but inſtead of doing Juſtice, he will do Injury, and Injuſtice, and he will have cauſe to complain, *Dum falſum nefas exequor vindex, ſceleſtus incidi in verum nefas.* Whil'ſt I purſued and puniſhed an imaginary, and ſuppoſed Crime in another, I have committed a real one my ſelf, and this will be a great misfortune even then when it is no fault, and much more when it is.

When theſe, and a thouſand other difficulties which no man can foreſee, are conſidered, it will I ſuppoſe be eaſily granted, that

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he that is to encounter,& overcome them; had need have a ſtrong, and almoſt invincible Love to Juſtice to enable him, and ſupport him in his undertaking. And perhaps if it were well conſidered, there is not a greater inſtance of the Divine Providence in the Government of the World, then that ſo many friends to Juſtice can be found as there is, Men that Court and Eſpouſe her purely for her own ſake, without any other Dower, then that of Sorrow and Vexation of Spirit, whoſe Buſineſs, Pleaſures, Recreations, nay their very Prayers, and Meals are interrupted by their thankleſs, unprofitable, uneaſie employment, and yet God for the good of others ſweetens all this, and tyes them as cloſe to it by the Cords of Love, as a Hen to her Eggs, and Chickens, from which ſhe can never reap any advantage.

But then thoſe that are not ſo qualified, ſhould in Prudence never attempt to meet theſe Rampant Lyons, which they may be ſure are in the way, and if any of them will not conſider it before-hand, his own experience will ſoon inform him of the truth of what I ſay.

I ſpeak not this to diſcourage any man but to forewarn him, that he may be provided with a reſolution equal to the oppoſition, which only Love can inſpire; fear

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it is true hath ſometimes made Men Valiant, but then that is a forced Courage, which will not laſt; lay the man a golden Bridge, open him a way, and you may be ſure never to be troubled more with his Valour, or his Juſtice.

But he that loves any thing purſues it through Fire, and Water, and Death it ſelf cannot extinguiſh the deſire. Tell him of dangers, and he replyes, *At contra Audentior ibo*, but I am reſolved to maſter them. Theſe and theſe only are the fit Men to ſerve in this Honourable Employment, and may God Almighty bleſs and reward thoſe we have, and ſend more ſuch Heroick Souls into the Field, to diſcountenance Faction, and Vice, and to protect Innocency, Religion, and Virtue.

And to the reſt I ſhall offer two, or three things to be thought of at their leiſure. Will any man in his right Wits expect Peace without Juſtice? What were the World but a Hell of Miſery, and a Chaos of Confuſion, if every man might ſay, and do what he liſt? Were it not for the publick Juſtice to terrify ſome, and cut off other Malefactors, your Houſe would be a Caſtle to you indeed, but ſurrounded with ſuch dangers, that you ſhould neither eat nor drink, nor ſleep in Peace and Security,

and

and the more Opulent your Fortunes were, the greater would be the temptation to deſtroy and impoveriſh you; go into the fruitful Countries of the *Mogull* in the *Eaſt-Indies*, and you ſhall find vaſt Spaces of Rich Soyl deſolate, and unhabited, only for want of Country Magiſtrates, to protect the good, and puniſh the diſorderly, for that Prince ſends but few Governors into his vaſt Provinces, and they reſide in the great Cities, ſo that the Poor and Remote have ſmall advantage by them, and ſo would it be in *England* if all men were of your minds. But you will ſay there is no fear of that, but then you ſhall be as accountable to God, and your Country, as if it had really happened, for tho man cannot puniſh theſe Sins of Omiſſion, God can and will. But you muſt gain Portions for your Children, and encreaſe your Eſtates, yes and your Sorrows too, to ſee all your Labours end in Smoak, a Civil War deſtroy that in an hour, you have been carking for many years, and your Beloved Daughter become the Prey of a Lieutenant, or a Captain at the beſt, who has nothing to Joynture her in, and takes her and all the Thouſands you have ſcraped together for her, in part of payment for the publick ſervice, or diſ-ſervice, as it happens, and it may be your Grand-children

dren may after all this have the honour and happineſs to be Tapſters, or Oſtlers in ſome great place. When if the Publick had been better minded, your Daughter and her Deſcendants might have been happy. Theſe are no vain ſpeculations, ſo that if men would conſider ſeriouſly of it, they would love Juſtice, if not for it ſelf, yet for the Conſequences of it.

2. Next to the love of Juſtice impartiality in doing it is to be conſidered, for it is poſſible to turn Juſtice into Worm-wood, and Gaul, the beſt and ſweeteſt of things into the bittereſt; and here ſo many by-ways offer themſelves, that a Juſtice of the Peace had need be a man of great Sincerity, and Integrity to avoid them, and purſue the ſtreight Path of Juſtice.

Some men have that Veneration for Great Men, that they durſt not oppoſe their Wills, or Humours in any thing, be it never ſo unreaſonable, or unjuſt; and here if a Controverſy happen between a poor Servant, Labourer or Tenant, and the Lord of the Mannor, or other Rich Perſon, all the Arts in the World, all the ſhifts and tricks imaginable are upon ſuch an occaſion, to be muſtered up to prove the poor Party in the wrong, and the rich one in the right, his Witneſſes (if he have any that dare ſtand by him,) are to be defamed;

ſamed; all his whole life is to be ſearched into, to find a flaw in it, tho nothing to the purpoſe; if the man ſtill ſtands ſtoutly to it, and will not ſurrender at once his Integrity, and his Caſe, hands and eyes are lift up in Admiration at his Impudence; if he ſpeaks one word for another, or indiſcreetly what had been better omitted, then for a loud fit of Laughter to put him out of Countenance, that the Legerdemain may be better carried. If nothing elſe will do two or three bawling Attorneys, muſt be called into the buſineſs that the ſucceſs may be aſſured, nay and it is well too if Mr. Juſtice can excuſe himſelf from paſſing a promiſe before hand, that he will determine in favour of the Gentleman.

If I ſhould ſpeak all I can upon this Theam, it would look as if I deſigned a Satyr or a Libel; But that is the furtheſt thing in the World from my thoughts. I do heartily bluſh, and grieve to think ſuch things ſhould be done amongſt Chriſtians, but that will not Remedy the Evil.

Let ſuch men know then, that God hath made both the Poor, and the Rich, and he careth for both alike, and whoever he be that ſhall thus abuſe the truſt repoſed in him, ſhall ſooner or later be recompenſed by him, according to his deſarts, and the

greater

greater he be, the greater his Crime and Puniſhment, for Mighty Men ſhall be mightily tormented.

And let him not think neither that his Chaſtiſement ſhall not overtake him, till he comes into the next World, which if it were true, would be a ſilly Comfort, that is, that he ſhould only be damn'd for it, but it is ten to one if he meets it not preſently, his own Conſcience will at one time or other reproach him for it, the very Perſon he thus favoured, will ever after repute him a poor low ſpirited Coward, or a Knave, and however he may Flatter and Careſs him for the preſent in ſhew, yet Condemn, and Scorn him in his Heart, and draw him along from one iniquity to another, till he become odious, and contemptible to all that know him, and the poor injured Party will be ſure to revenge his injuſtice, by telling the Story, and after a while it will find belief, and then as the poor are moſt numerous, he will have many Enemies, and no Friends, for never did any man purchaſe a friend by injuſtice, and what the Effect of all this may be at laſt, I leave to all men to conſider.

It is almoſt the ſame thing to favour a poor man, only becauſe he is poor, tho it

doth not happen ſo frequently, for if he be in need, and neceſſity, thou mayeſt draw thy purſe, and relieve him, but what haſt thou to do with that, which is another Mans, the great Boy muſt not have the little Boys Coat, becauſe it is fit for him, or he hath need of it, but every man muſt have what is his own, otherwiſe you may call it what you will, but Juſtice it is not.

Beſides theſe two, there are two other differences which may often happen in thoſe that come before a Juſtice of the Peace, he is to do Juſtice at home amongſt his own Neighbours, and ſome of them are his Kindred, his Friends, or their Relations, others are under his diſpleaſure, and may have offended him or his, in ſomething or other, and theſe two affections of Love, or Hatred, are great Corrupters of Truth and Juſtice, and the Hiſtorian took great care to prevent this objection, by ſaying, (*Mihi Galba, Otho, & Vitellius, nec beneficio, nec injuria Cogniti.*) *Galba*, *Otho*, and *Vitellius* were not known to me, either by their injuries or benefits, if they had, there might have been ſome reaſon to have ſuſpected his Relations of them, but this is much more powerful in a Juſtice of Peace, or Inferiour Magi-

Magiſtrate, then in an Hiſtorian, they all hope their Writings ſhall live and be read by all Men, and there can hardly be a deluſion of that ſort impoſed upon the World, but one or other by one means or other, will diſcover it, or the piercing Wits of Men will find it out from the very Hiſtorians themſelves, but thoſe things that are to be done but once, and are often never more thought of, are not of that Nature, and may poſſibly never be diſcovered, or ſoon be forgotten, as ſome men think; but this is a very great diſception, when a wrong Judgment is paſſed, all men will make it their buſineſs, to diſcover how it came to paſs, and, if there were any former kindneſs, or quarrel tho many years before, will conjecture that to be the Cauſe, eſpecially if the Juſtice doth not give good reaſon for what he doth, and they will ſuſpect it where it is not too, and therefore it is good in thoſe Caſes to do as little as a man poſſibly can, without the Conjunction of others.

For ſay a man could eſcape the Eyes of all Mankind, (which is very difficult if not impoſſible) yet he can never delude God, he penetrates the bottom of our hearts, and diſcovers our moſt ſecret inclinations, and affections, and will ſurely puniſh us if he finds they lead us to pervert Juſtice,

and Judgment, and beſides this Sin it includes in it Perjury too, for it is contrary to our Oaths, and he that can hope to digeſt theſe two grievous Sins, will hardly much regard any thing I can ſay unto him, but muſt be left to time, and the Juſtice of God, to learn the contrary.

Reſpect of Perſons is in ſome ſort a worſe and more fatal Crime then Bribery, for both Parties may bribe me, but no man can make himſelf my Kinſman, or grow rich in a moment, and therefore it is impoſſible to correct it, beſides it is obſerved that ſuch men are of a baſe unconſtant Spirit, for there are degrees of Love and Hatred, Hopes and Fears, and ſuch a man will comply with one Party one day, and another another day, without Juſtice or Reaſon, as his Intereſt or Paſſions lead him, ſo that no body is ſure of him, for he will as the Scripture ſaith, offend for a Morſel of Bread, that is, for any thing or nothing, and therefore all men ſhould avoid them, as they would a Thief or a Cut purſe.

There is another ſort of Partiality that ſprings from things, ſome Men have a kindneſs for ſome Vices or Factions, and they love that in another, which they cheriſh in

in themſelves, and ſo if any Complaint be made, they wreſt, and bend the Laws to comply with their humours, and intereſts, and ſometimes they ſtretch, and ſometimes they ſhrevil, and ſhrink them up to nothing, and this is direct Partiality; the ſame Offence ſhould have the ſame Puniſhment whoever commits it, and every Offence that very puniſhment, which the Laws have appointed and no other; and if any difference is to be made, let it ſpring from ſome Conſideration in the Perſons or Things, and not from us, puniſh a poor man according to his Offence, and his Poverty, and not according to your affections towards him, but if you diſcover any ſuch thing within you, be ſure to curb it, at leaſt to ſuſpect it, and puniſh your Friends according to Law, and your Enemies ſomething leſs, if you muſt do it, and ſo in relation to other things; a man ſhould be moſt ſevere againſt his own Vice, to ſhew the World he is not deſirous it ſhould follow his example, tho when all is done, the beſt way of Correction is for a man to begin at himſelf, and having formed his own Life according to Law, and Reaſon, then to try what he can do upon others.

I will in the next place conſider thoſe things that do moſt uſually hinder, and

obſtruct the Execution of Juſtice; againſt which a Magiſtrate ought to arm himſelf, with an habitual and invincible hatred, and as often as occaſion ſerve, declare it to the World that men knowing his reſolution beforehand, may not dare to tempt him.

The firſt of which I reckon **Bribery**, which is ſo frequent an Impediment of Juſtice, that both the Laws of God, and Man have taken frequent notice of it, and ſeverely threatned it, and it accordingly is attended with great Infamy for the moſt part if it meets no other puniſhment, and the greater in a Juſtice of the Peace, becauſe the Perſons and things that come before him are of that ſmall Conſideration, that he cannot in reaſon expect a Bribe in his whole Life, that would tempt a man of any Generoſity to do an ill thing. What is half a dozen Chickens, or a Couple of Capons to a Man of Worſhip? and yet for ſuch pityful prices have ſome men ſold their reputations, and laid themſelves open to the ſcandal, and deriſion of the World. It was a ſharp reflection that was made upon them in Parliament, in the 44*th* year of the Reign of Queen *Elizabeth*, when one ſaid, a Juſtice of Peace was a living Creature, that for half a dozen of Chickens

Chickens will diſpence with a whole dozen of Penal-Statutes. I believe as there was not then, ſo there is not now, many ſuch pityful Animals Crept unto the Bench, and advanced to that Honourable Imployment, but then the leſs the number is, the more eaſily the Commiſſion might be purged of theſe Vermin, who are a ſhame to the reſt, and a great vexation to all their inferiour Neighbours, and a diſhonour to the Government.

The ways by which Bribery is attempted are ſo various, that it is impoſſible to enumerate them all, ſometimes the Wife, the Children, the Clerk, are purchaſed under-hand to recommend the Caſe to the Juſtice, and obtain a promiſe of him when he leaſt thinks of it, and ſo if the man be eaſie, he is bribed and knows it not, and in this Caſe the beſt way is for a Man by his Actions to demonſtrate to the World, that none of theſe have any power over him, or can influence him this or that way, and when men find themſelves deceived, they will give over thoſe tricks, and be aſhamed they were ever guilty of uſing them.

Another Method is to offer their ſervice as Labourers, at ſmall or no wages, upon

urgent occaſions, and then theſe days work are chalked up upon the Dorman, or behind the Door, and wo to the next man that gives the leaſt offence to the Leather Breeches, his Worſhip is obliged to give him a Caſt of his Office too, in his turn, and he is hard hearted and ungrateful, if he will not gratifie the Clown with a little Injuſtice, and Perjury, in exchange for his Labour.

Sometimes the Juſtice hath ſomething to buy or ſell, and then the bargain is driven with reſpect to his place, and what is loſt, is to be made up with Advantage out of the depending quarrel.

If the Juſtice of the Peace be a Practiſing Lawyer, then he ſhall have a Fee for his Advice, which he is bound to defend too into the Bargain, be it right or wrong at the next Seſſions, or elſe he loſeth his Client forever.

Sometimes general Promiſes are thrown out, ſuch as theſe, It ſhall be never the worſe, or I will not be unthankful, and the like, which are like empty Caskes thrown out to entertain the *Leviathan* with.

In ſhort, to go about to enumerate them all is impoſſible; And to preſcribe any other Remedy againſt them, then a ridgid and inflexible Honeſty, is to no purpoſe; for this Winding Snake will creep up and ſteal upon a Man by ſuch unforeſeen ways, that it will not be in his power to prevent its approaches, tho he may eaſily and ſafely with St. *Paul*, ſhake off the Viper into the fire, if it fix upon his hand, and then the Expoſing thoſe that attempt it, to the World, by telling the Story publickly, will deter others from the like ill Courſes, and a better remedy can no man invent.

Prejudice and *Prepoſſeſſion* have the ſame ill Effects with *Bribery*. And indeed, *Bribery* aims at Nothing elſe, but to foreſtall the Judgment, and if that follow from any other cauſe, the effect is the ſame; it is all one to the Defendant, if the Juſtice Sell, or freely Surrender his Judgment to the Complainant, if he find him diſpoſed to Condemn him before he hath heard him, credulous of what ever is objected, but intractable and imperſwaſible on the other ſide. So that *Bribery* and prejudice have this in common, that they both blind the Eyes of the Wiſe, and pervert the Words of the Righteous, *Deut.* 16. 19. and of the two, *Prejudice and Prepoſſeſſion.*

two, *Bribery* is the more Excuſable, perhaps, becauſe there is ſome temptation in it, but the other ſells his Reaſon for Nothing.

It is well obſerved by the Lord *Bacon* in his *Advancement of Learning* concerning *Prejudice* and *Prepoſſeſſion*, *Book* VIII. *Ch.* 2. *Parab.* 17. *The firſt information, in any Cauſe, if it a little fix it ſelf in the Mind of the Judge, takes deep root, and Wholly ſeaſons and prepoſſeſſes it, ſo as it can hardly be taken out, unleſs ſome manifeſt falſhood be found in the Matter of the Information; or ſome cunning dealing, in exhibiting and laying open the ſame. For a bare and ſimple defence, tho it be Juſt, and more Weighty, can hardly compenſate the prejudice of the firſt information, nor is of force in its ſelf, to reduce the Scales of Juſtice, once ſway'd down, to an equal Ballance. Wherefore it is the ſafeſt Courſe for a Judge, that Nothing touching the proofs and merit of the cauſe, be intimated before-hand; untill both Parties be heard together.* Thus far this great Man, who was once Lord Keeper of the Great Seal of *England*. And a Juſtice of the Peace is in much more danger of being prepoſſeſſed than a Judge, becauſe the Complaint is made at firſt immediately to him, and he may afterwards be more eaſily approached, yea, and deceived

deceived too than a Judge, as being not ſo well verſed in affairs, or prepared for the Execution of his Office by his Education, and therefore ſhould be the more Wary and Jealous of himſelf.

Sometimes the prejudice is of an Ancienter date than the Complaint depending, and is ſometimes the fault, and at others the misfortune of the Party: if he have given juſt cauſe for it by his former misdemeanors, and ill Life, then he can blame no body but himſelf, and yet the Juſtice ought not to condemn him in his very thoughts, till he is clearly proved Guilty; for the Worſt of Men may be Wronged, and every man is ſuppoſed at firſt innocent, and afterwards penitent, till the contrary be ſhown, not by ſurmiſes, but by proof. But alaſs, we live in ſo Falſe and Slanderous an Age, that the Fame of very Good men is often blaſted behind their backs, and it is become a common practice for men to blacken their Reputation, whoſe Perſons or Eſtates they deſign to Ruine; and for the moſt part, more miſchief is done the Party by theſe Under-hand Accuſations, which he can never anſwer, then by all the direct proof. And therefore the Juſtice of the Peace ought to ſuſpect all informations that are from the purpoſe, as Slanders, and deſigned

for

for no other purpoſe than to prepoſſeſs him with an ill opinion of the party.

What I have ſaid will in ſome degree diſcover the Miſchief of *Prejudice*; but there is this further in it. Reaſon is the Light and Eye of the Soul; Now if the Eye be ſimple, the Whole ſhall be full of Light; but if it be darkened with prepoſſeſſion, *how great is that Darkneſs?* Matth. 6. 23. and I may add, how incurable, how inexcuſable too? It is certain we ſhall all ſtand before the Tribunal of Jeſus Chriſt, and what ever Judgment we here paſs upon Things, and Perſons, ſhall be there reviewed, and therefore it befits us to be very exactly careful that we do not draw upon us a juſt Condemnation from that moſt Righteous and All-ſeeing Judge, by condemning our fellow-Servants thro Prejudice, and Prepoſſeſſion Wrongfully.

Nor let us ever think, that we ſhall eſcape the cenſure of men, for they will certainly at one time or other diſcover the Cheat, and eſteem us according, as they find cauſe, tho perhaps they will not dare freely to tell us their minds, and if they never ſhould, yet our Conſciences will Accuſe us for it, and God in his Providence, will take care to puniſh us for it, and that it may be in the ſame way we have offended.

So

So that he that can be ſecure in the midſt of ſo many dangers, and open his Ears, and expoſe himſelf to every ſecret Whiſper againſt a Man, is a Perſon diſpoſed for ruine, and doth neither deſerve the Advice, or Pity of any Man.

Bribery, and Prepoſſeſſion do for the moſt part ſpring from others. Favour and Hatred take their Riſe from our ſelves, and are as great hinderances to Equal, and Impartial Juſtice, as the other two; there is no man ſo mean, but he may by Accident, or upon Deſign, oblige his Betters, and beget in them a good opinion of him, and moſt men are naturally apt to do it before hand, and all the little Arts of Flattery, Obſequiouſneſs, and Courtſhip are on ſuch occaſions made uſe of, and many a man hath been drawn in by them, who would have abhorred a Bribe. *Favour and Hatred.*

Nor can any man on the other ſide live ſo innocently, as at all times to avoid the diſpleaſure of his Neighbours, and a Juſtice of Peace is as capable of reſentment, as other Men, and in ſome degree more, becauſe Pride, and great Expectations of Submiſſion, and Regard do naturally follow Power in all its degrees and Circumſtances, and the leaſt oppoſition, or defeat exaſperates ſuch, more then ten times as much would another

nother, so that the Natural Consequence is, that a man in Authority, and Power will have many pretending Friends, and if he be not the more careful, as many real, or suspected Foes, and if his Love, and his Hatred have any room left for their Activity in the Execution of his Office, they will betray him to many Inconveniences, and Acts of Injustice, which he would otherwise have avoided.

Whereas Justice should in this respect be blind, and not see the Parties, but the Fact on one side, and the Law on the other, and then with discretion, and impartiality, without Favour or Affection, Hatred or ill Will give to every Man according to his Works.

But in the State man is, this is so difficult, that if Reason and Religion be not called in to our Assistance, it will not be done, the man hath injured me, and therefore another, is false Logick, but yet so powerful, that it is almost impossible to see the Fallacy, especially whilest a Man is under the Dominion of Anger, and Hatred, which are powerful Passions, and the Argument is as weak the other way; the man is an honest man, and therefore would not do amiss, or complain without good Cause. Why, he is a man still, and subject to all the Infirmities of

Flesh

Fleſh and Blood, and therefore I ought not to ſurrender my ſelf blind-fold to his Conduct, but diligently ſearch out the truth.

And indeed if men would entertain low and humble thoughts of themſelves, they would ſeldom be miſtaken, but if I think my Smile, my Nod, my kind Word, or Look, a mighty Obligation, and make a Muſter of my Friends, by the Liſt of my Flatterers and Admirers, I ſhall ſoon have a large Roll, but they will in Adverſity appear to be what they are like, falſe Muſters in Peace appear in their Ranks, and Files a full Body, but in time of neceſſity, and need, be like the gleaning after the Vintage, thin and of no uſe, and every Act of Injuſtice I do, will diminiſh the number of my Friends, even of thoſe for whoſe ſakes I did it, and increaſe the number and fury of my Enemies.

But on the other ſide, Exact and Impartial Juſtice is venerable, and lovely in the ſight of God and Men, and even thoſe that ſuffer by it, will when the ſmart is over, love and revere the man that Adminiſtred it to them, ſo the upright Impartial Magiſtrate ſhall in the end have fewer Enemies, and more hearty Friends then the other.

If there were nothing but this to be ſaid for it, there were reaſon enough to baniſh

niſh all our Affections, and Paſſions, when we ſit down in the Judgment Seat, and Act as if we were then newly dropt from Heaven, without Friend, or Acquaintance, Enemy, or Injurer, but if we cannot ſo diveſt our ſelves of our former diſpoſitions, it is fit to ſend the Parties to ſome other Juſtice, that is not in our Circumſtances, or at leaſt to be very wary, and careful what we do, and ſay, that we may be able to juſtifie our ſelves to God and Man, and our own Conſciences.

Covetouſneſs. Covetouſneſs is another great hindrance to the Execution of Juſtice, and therefore the Advice of *Jethro* to *Moſes*, *That he ſhould provide for Magiſtrates, able Men, ſuch as fear God, Men of Truth, hating Covetouſneſs*, Exod. 18. 21. was very good and thought fit to be recorded for our Inſtruction; and to the ſame purpoſe was the Admonition of Queen *Elizabeth* of Famous Memory, when ſhe adviſed the Juſtices of the Peace, that they ſhould not deſerve the Epethites of prowling Juſtices, Juſtices of Quarrels, who counted Champerty good Chevesance; ſinning Juſtices, who did ſuck and conſume the good of this Common wealth: and indeed they that are eagerly intent upon encreaſing their own Eſtates, do ſeldom ſtick at any thing

that

that may tend to promote their great Deſign, but employ as well their Authority, as their Wits to that purpoſe, not caring what the publick ſuffer, ſo their private Profit may be advanced by it, in order to which any thing is to be done, or omitted.

But ſuch men (if there be any ſuch in Authority) ſhould do well to conſider the grave advice of Biſhop *Sanderſon*, *Serm.* the firſt, *ad Magiſtratum.* The Private is not diſtinguiſhed from the Publick; but included in it: and no man knoweth what Miſchiefs unawares, he prepareth for his private Eſtate in the end; whileſt thinking to provide well enough for himſelf, he cheriſheth in the mean time, or ſuffereth Abuſes in the Publick. And *Zenophon* in his Margin gives the reaſon; for with the Publick, all the Wealth of private perſons is either ſaved or loſt; ſo that the moſt Covetous Man if he were not ſhort ſighted, and half witted, would be the moſt careful to preſerve what he ſo much valued, even for his own ſweet ſake, by preſerving the Publick.

I know notwithſtanding it is impoſſible to convince ſuch men of their Duty or Intereſt, the Advantage is preſent, the Danger is remote, and at a diſtance, and he muſt make uſe of all opportunities to encreaſe his Wealth, and let them that come

after, or other men take care to ſecure it.

I wiſh therefore our Superiours would now and then look over the Commiſſions of the Peace, and if they find ſuch men crept in, fairly lay them by, that they may have leiſure to follow the Chaſe after the Eagle, that makes her Wings, and flyes away towards Heaven, where few of theſe Thrifty Gentlemen ever come.

Irregular Heats and Hopes.

Irregular Heats and Hopes, are great hinderers of Juſtice, as to the firſt, it was well obſerved by Sir *William Scroggs* in his Speech to the Lord Chancellor in *Michaelmas* Term, 1676. when he was admitted one of the Juſtices of the Common Pleas. 'As to the diſcharge of my duty 'betwixt Party, it is impoſſible to be per-'formed without theſe two Cardinal Vir-'tues, Temper, and Cleanneſs of hands.

'Temper comprehends Patience, Humi-'lity and Candour. It ſeems to me that 'ſaying, Be quick to hear, and ſlow to 'ſpeak, was made on purpoſe for a Judg, 'no Direction can be apter, and no Chara-'cter becomes him better, and he that 'would not be ſaid to have but one Ear, 'methinks ſhould be aſhamed to have none, 'and I appeal to your Lordſhips Experience,

'if

'if a patient attention accompanied with 'indifferent parts,and a competency in the 'Law, with a mind fairly diſpoſed for In-'formation or Conviction, will not as to 'uſe and common benefit,exceed the pro-'foundeſt Knowledge, and moſt towering 'Underſtanding, that is attended with an 'impetuous haſt, either out of a glory of 'ſpeaking,or too great a fulneſs of himſelf. 'And for Humility,tho I will not ſay that 'every impatient man is proud (becauſe 'that may ariſe from other Cauſes) yet e-'very proud man is impatient, ſometimes 'of Information,alwayes of Contradiction; 'and he muſt be violent to maintain his 'own Imperiouſneſs.

Thus far that Great Man, whoſe words I rather choſe to tranſcribe than to expreſs my own thoughts, becauſe I expect they will derive a great Authority from the Speaker and Place, where they were ſpoken; and to my underſtanding they are as fit, and more neceſſary for a Juſtice of Peace, than for a Judg.

How ill does it become a Migiſtrate who is a Miniſter of God to the People for Good, and ſhould be a Terror not to the Good but Evil? to become ſo to all that come near him, through his Impatience and Fury, ſparing neither Equals nor Inferiours, and very often flying in the Face

of God Almighty, by his Irreligious and Deteſtable Oaths and Imprecations, which are no unuſual effects of ſuch paſſions.

God Almighty is ſaid to be ſlow to Anger, and of great Kindneſs, and that he repenteth him of the Evil, that is, the Puniſhment we have deſerved, when he is juſt going to inflict it. It becomes then his Miniſters to be like their Maſter, and to be ſo far from being incenſed againſt the Innocent, and thoſe that have not offended them, as to pity, and treat fairly the moſt provoking, and worſt Malefactor.

The Wrath of Man worketh not the Righteouſneſs of God, Jam. 1. 20. No how can it? A man that is of that fiery temper is like the Furnace in *Daniel*, not to be approached without danger, if God doth not reſtrain his fury; and he that is not able to uſe his own reaſon, and govern himſelf, will be leſs able to Govern others.

This is not ſaid that a Magiſtrate ſhould be like *Eſop*'s Block, and ſuffer himſelf tamely to be trodden on, no, he ought to be a Terror to Evil Works, for he beareth not the Sword in vain, *Rom.* 13. 4. But then let men fear his Juſtice, not his Paſſion, his Rebukes, and not his Taunts.

Irre-

Irregular hopes are full as bad, ſome men do ill things by way of pre-emption, they will comply with a Brother Juſtice in any thing, though it be never ſo unjuſt, that he may do them the like favour at another time, or that he may at leaſt not retaliate them with a miſchief, thus they hope by Injuſtice to become more powerful with their Equals, and more dreadful to their Inferiours, than if they ſhould always too ſtifly ſtand for Truth, and Juſtice, they have obſerved that Compliance makes friends, and that inflexible honeſty creates a man many Enemies, and inſtead of truſting to the Providence of God for their Protection, they lean to their own Wiſdom, but how unſafely, the Event in the end will ſatisfie every man.

Some affect Popularity, and they hope by being remiſs and careleſs in their duty, to acquire the love of the People, and gain the Title of *Moderate Men*, a good word; but of late much abuſed, but then they are very often miſtaken, and if they be not, what is Popular Praiſe but Words? and they are nothing but Wind, a cold Reward, and as for their Love it is more fickle and unconſtant than the Wind, and leſs to be truſted to, as they have found by ſad experience in their diſtreſſes, that have relied upon it, and yet when

all is done, it is more often acquired by Juſtice and Truth, than by a ſlaviſh Compliance, and Flattery, becauſe they are naturally jealous of the extraordinary condeſcentions of their Superiors, and look upon them as Deſigns.

Laſineſs. The laſt hindrance of Juſtice I ſhall mention, is Laſineſs, or a dull Inactivity; Men undertake the Publick Service without conſidering before-hand the difficulties that attend it, and when they perceive it troubleſome, and laborious to go through with the Work, and that they ſhall reap much ill Will, Envy, Reproach, Hatred, and Diſcontent for doing nothing, but their Duties, and no preſent Profit, they ſit down diſcouraged, and like the weary Pilot, commit the Boat to the Waves, and the Winds, and let her drive at Random. Such men ſhould conſider, that Perſeverance to the end is that which God Crowns, and that man is born to trouble as the Sparks fly upwards, and that there is as many troubles at every mans heels, as there is before him, only if he goes on bravely, and reſolutely, and conquer them that ſtand in his way, the other ſhall never overtake him, but if he yields, he is ſure to be cruſhed betwixt them, and to be deſtroyed inglorioufly, and without pity.

Others

Others look to nothing but the Credit, Honour, and Reputation they ſhall gain by it, and if they can acquire the Title of Right Worſhipful, and have their Neighbours ſtand bare-headed to them, they have their Deſigns. Now this is ſuch a pityful piece of Vanity and Folly, that it were to be wiſhed (if there muſt be ſuch) that they might be as lazy as is poſſible, that they may do the leſs miſchief; but then methinks the very fear of being thought ſuch, ſhould rouſe all that have but one Spark of true *Engliſh* Generoſity, and make them ſtudy their Duties diligently, and then perform it induſtriouſly and thereby regain their Credits here, and a more excellent Reward hereafter.

SECTION VII.

THe next thing requiſite in a Juſtice of Peace, is a competent knowledg of our Laws and Cuſtomes, for by theſe he is to warrant his Proceedings, and if in this part of my Diſcourſe, I happen to commit any Error, I deſire before-hand to beſpeak the Readers Pardon, for I never had the happineſs and honour to be a Member of any of the Honourable Inns of Court.

My Reader then need not fear I will ſet him upon the Purchaſe, or reading of all the Body of our Laws, for tho it might be uſeful to a Juſtice of the Peace, yet it is not of abſolute neceſſity.

It is ſaid of one of our States-men, that his Learning was not great but uſeful, and he did not know much, but he practiſed what he knew diligently, and this is an Excellent Character of a Juſtice of the Peace. Much knowledg may puff a man up with a high Conceit of himſelf, but when all is done, Honeſty and Induſtry are the Qualities that beſt befit a Magiſtrate.

The knowledg may be attained in a ſmall time, if a man will make it his buſineſs, and there is three effectual means for it.

1. Reading.
2. Obſervation and Practice.
3. Converſation and Diſcourſe with Knowing and Experienced Men.

Natural Sagacity, and Reaſon may teach a Man many things, but it is an ill thing to truſt to it in point of Government; the Commiſſion of the Peace directs us to proceed, *Prout ſecundùm legem & Conſuetudinem Regni Noſtri Angliæ, aut formam Ordinationum vel Statuorum Prædictorum, fieri conſuevit aut debuit*, that is, as ought, and hath been uſed to be done, according

cording to the Laws and Cuſtomes of *England*, or the Form of the Ordinances, and Statutes aforeſaid, and theſe are not to be known without ſome Study, and Reading, ſo that he that hath an Averſion for Books, will never make a knowing Juſtice of the Peace, tho he may ſtand as a Cypher to make the number greater.

Nor will he Act with any certainty or ſecurity to himſelf, his buſineſs being to apply the Laws, and not to make new ones, and at one time, or other he will meet with them, who will make him ſenſible of his ignorance to his Coſt, if he commit any great Error, and without doubt he will be Guilty of many.

It is a ſhame for an *Engliſh* Gentleman to be ignorant of our Laws, tho he live never ſo privately, they are the beſt part of our Inheritance, the effects of our Anceſtors Prudence, the Charters of our Freedoms, not from Subjection, but Miſery and Slavery under it; they are at the ſame times the Monuments of the Favours of our Princes, and ſtrong Obligations to love, and ſerve them, and as occaſion require to ſpend our Bloods, and Eſtates in their Service; for our Kings have not treated us like Vaſſals, or Slaves, but like their Children, laid no grievous Burthens on us, but ſuch reaſonable, and juſt Commands

as

as we either choſe by our Repreſentatives in Parliament, or ought to have choſen for our own goods.

But certainly they do ill deſerve this happineſs, who will take no pains to underſtand it, when they might ſo eaſily do it, being freed by their Eſtates from a neceſſity of Bodily Labour, and furniſhed with Money to buy Books, and leiſure to read them, which is too uſually ſpent in Luxury with greater Expence, and ſometimes with the Ruines of their Lives, and Fortunes; beſides, for want of it they are the more ſubject to be wheadled into ill Practices againſt the State, and expoſed to the Craft, and Rapacity of Lawyers, who teach them the value of this knowledg, by the price they pay for it.

But then Juſtices of the Peace are not only obliged, as they are *Engliſh*-men and Gentlemen to this Study, but as they have promiſed upon Oath to be Executors of the Laws, and it betrayes a great ſtupidity of Mind, or Irreligion, to ſwear to do equal right to the Poor and to the Rich, after their Cunning, Wit and Power, and after the Laws and Cuſtomes of the Realm, and Statutes thereof made, as the Form of the Oath is, and then never concern themſelves to know what thoſe Laws and Cuſtomes are, and to mind the Statutes

Statutes of *England*, no more then they do the Edicts of *France*.

And that which renders the thing the more inexcuſable, is the great pains and care many Learned Men have taken, to make Collections of thoſe things, that are moſt neceſſary for the Juſtice of the Peace, ſo that no man can want a Tutor, if he have but a Will to learn, and they are written too with that Variety of Method, that they will fit any mans humour, who is not given up to ſloath and negligence.

I can never admire enough the Learning of Mr. *William Lambard*, how nice and curious he is in his inquiries into the Origine of thoſe Powers, that are given to the Juſtice of the Peace, and the reaſons of them, his Brevity, and the Perſpicuity of his Style, which makes him very uſeful, tho there have been great Additions of late, made to that Office by new Statutes.

The diligence of Mr. *Dalton* is not leſs to be valued, nor the Exact Method in which he hath digeſted ſo great a variety of things, which are again made more valuable by the Additions made in the Late Impreſſions.

How Curious and Subtle is Sir *Edward Cook*, in his readings upon the great Char-

ter

ter and other Statutes, which are of great uſe to a Juſtice of Peace, becauſe they will give him hints, and general Rules for the interpreting, and underſtanding thoſe Statutes he took no notice of, and thoſe too that have been made ſince his death.

What a Vaſt Variety of Reading and Learning hath he ſhewn in the Pleas of the Crown; and yet he hath ſo couched and contracted it, that the Volume is but ſmall tho the worth is in eſtimable.

The Exactneſs of Mr. *Poulton* in his Book *De pace Regis & Regni*, is much to be admired, where beginning at the root of all publick diſorders, the corrupt unquiet hearts of men, he ſhews how they proceed from one degree to another, till Menaces, and Threatnings grow up at laſt into Rebellions, and Treaſons, all along proving what he ſaith by Quotations of the beſt Law-Books.

Sir *Mat. Hales.*

The Conciſeneſs of the Lord *Hales* in his Pleas of the Crown, is not leſs to be admired, then his Integrity and Prudence, in ſo contracting them.

And Mr. *Chamberlain's* Complete Juſtice, and Mr. *Keebles* Aſſiſtance, *&c.* want nothing but an induſtrious, and grateful Age, to make both the Books, and Authors more highly valued, and indeed they cannot be too much eſteemed. And

And as for the Statutes, Mr. *Keeble* hath done the Nation a mighty piece of Service, in his Exact Re-printing of them, in an excellent Table of his own, but there is in my poor judgment one thing ſtill wanting, and that is an Index, or Table of the Statutes under thoſe Heads or Titles, which the Juſtices of the Peace have occaſion to uſe them by; which are different from the Lawyers common places, ſo that there ſhould be another Table on purpoſe for the Juſtices of the Peace, which might be drawn in a Sheet of Paper: the only Perſon that attempted this to my knowledg, is one Mr. *Wa. Toung* in a ſmall piece ſtiled a *Vade Mecum*, Printed at *London* in 1660. In the beginning of which is a Table containing about five Leaves, which is of vaſt uſe for the ſpeedy finding of any Statute that a Juſtice of Peace hath occaſion to uſe, but yet it is imperfect not only as to the New, but Ancient Statutes.

There is another thing, which I have wiſhed for, and that is an exact Collection of all thoſe Caſes, which immediately concern the Juſtice of Peace, in which their power, or wayes of Proceedings are called in queſtion, out of the Year-Books and Reports, recited in the ſame order of time as they are there, at length, without any

any abbreviations, and only tranſlating into *Engliſh* ſuch as are in *French*, which would be of great uſe.

Now if a man ſhould attempt to read all theſe Books which I have mentioned, which relate to the Office of the Juſtice of Peace (the Statutes excepted, which are only to be conſulted upon occaſion) it were no very grievous Task, and yet he might learn his Duty thence, without any other or very little help from Books.

excepted

But in the mean time it were to be wiſhed, that ſome men could be perſwaded to read but one of the ſhort ones firſt, and then one of the larger pieces, I mean *Dalton* or *Keebles* Aſſiſtance, and then the ſhort piece again to fix things in their Memory, and if I were worthy to adviſe them, it ſhould be Mr. *Chamberlain's*, for I take that to be the very beſt that ever was written.

Obſervation and Practice.

As reading begins knowledg, ſo Obſervation and Practice fixes it, he that reads without reflecting upon it at the time, and noting diligently what may be uſeful to him afterwards, loſeth both his Labour and his time, many men complain of a bad Memory, when the fault is their own, they read careleſly, and take no pains to imprint any thing upon their Minds, either

ther then or afterwards, and then it were a wonder if they ſhould remember what they never conſidered, nor underſtood, but read on and on and think upon ſomething elſe.

Others pretend they would read more if they had a good Memory, this is a pretence only for Laſineſs, laying their own fault upon God and Nature, for Memory is a Natural Faculty common to men with many other Creatures; but on the other ſide if they would read more, and note as they go they would certainly retain a part of it, tho perhaps not ſo much as others do. But then there is a third ſort of men who pretend to have ill Memories, who in truth never read at all, theſe belye their Natural Faculties, 'tis true they remember little or nothing, how ſhould they? the Memory is but like a Store-houſe, in which if nothing is laid up, nothing ſhall ever be found, if what is good for nothing, ſuch as is laid in will come out, and not be in the leaſt amended there.

Obſervation doth ſomething, but Practice is the great fixer of Notions in the minds of men, he that his a Natural Fool, will yet by often going away learn it at laſt, how much more men of Competent Natural Parts, and ſuch only are fit to Govern others? and the truth is, they that

have

have the ſtrongeſt Memories will yet in time loſe their Notices of Things, if they do not excite them by Meditations, and Practice, and that ſort of knowledg I am ſpeaking of, which is not Natural, but Artificial Reaſon, and depends not for the moſt part upon the innate Principles, but upon poſitive Inſtitutions, and agreed Methods, is moſt eaſily loſt, ſo that I have ever obſerved the moſt induſtrious men are the moſt skillful, and many men who read little, but have been very much employed in buſineſs, have by that learned more then others have done by Books, only tho they had better parts, ſo that a Man ſhall rarely find a Man excellently Verſed in any Practical Knowledg, that hath not fixed it, as well by exerciſe of it, as by Obſervation and Reading.

Converſation.

Obſervation and Practice fixes, but it is Converſation and Diſcourſe with Knowing and Experienced Men that extends Knowledg, much reading dulls a Man, but diſcourſe at once revives what a man knows, and encreaſeth it by the Addition of anothers Obſervations too, and diſpells that Melancholy which attends retirement and ſolitude: It confirms a man more in his Opinion, when he finds another man of the ſame mind, and rectifies his miſtakes,

ſtakes, before they become dangerous to him, or to others.

But then it muſt be with Knowing Men, for no man can communicate to another that which he hath not, he may miſlead him, or confirm him in Error, and ſo make his miſtake more fatal; but other good he can expect little from him, except it be the diverſion of his Chat.

When the Perſon with whom we converſe, hath not only a Speculative, but a Practical Knowledge too of any thing; if he appear honeſt and diſintereſted, we may rely the better on his Judgment, and the little Stories, which he will be able to tell of things well, or ill done, will ſtrangely dwell upon the memory, and fix things, and at the ſame time rectifie the Judgment too. It was well ſaid by the Lord *Bacon*, *Set before thee the beſt Examples, for imitation is a Globe of Precepts*; and for that end were Hiſtories written, that one *Generation* might learn from another, and take Example what to follow, and what to avoid; and Diſcourſe is of the ſame Nature, thô not ſo perfect.

I may then juſtly deteſt their ill nature and folly, who when they meet with Men of Knowledge and Experience, and willing to Communicate both to them, envy and traduce them, and when they have no-

thing elſe to ſay, think to make them Odious, by ſaying, They love to talk, and are conceited of their own Knowledge or Abilities, and are Proud men; why, if all this were true, it is better to be Proud of Something, than of Nothing, and yet the laſt happens oftenest; ſolid Knowledge will make a man humble, when there is nothing ſo conceited as Ignorance: and a communicative Man is better company, than a cloſe churliſh Nature, who values himſelf upon the Ignorance of others, which ſhall never be rectified by him. And it is uſual for theſe men too, to learn from them, whom they thus traduce.

Secondly, I may juſtly reprehend them who ſpend all their time in tittle tattle, about their Currs, and their Kites, their Debaucheries, and Recreations, or, which is worſe, in defaming their Neighbours; but if any uſeful Diſcourſe is begun, that may tend to the Publick Good, or to make them wiſer, or better, are ill at eaſe, till it be ended, turn ſick, and are ready to ſurrender their over-charged Stomachs.

'Tis true, the Age in which we live, is learned; but if this humour prevail a little more, the next will not only be debauched, but barbarous, and ignorant.

SECT.

SECTION IX.

THe End of all that knowledge I have been diſcourſing of in the foregoing Section is for Practice; for that makes it truly beneficial, a Man had better be totally Ignorant of all Laws, than to Study them to find ways to defeat them; that ſo he may at once avoid the Directive, and Coercive Power of them. But the Great deſign of a Good Magiſtrate is a Prudent Execution of them, by obſerving a due Method according to Law. 1. In calling the Parties. 2. In hearing them. 3. In determining the Cauſe.

It is an old, and a juſt Complaint, that no Nation hath better Laws than this, nor hardly any that executes them worſe, and yet we are poſſeſt with an Hydropical thirſt after more, the cauſe of which is, that every man would be free himſelf, and have another bound; but of what uſe are the beſt Laws without ſevere Execution? If we deſign nothing but oſtentation; in my Judgment the Book of Statutes is big enough all ready. We are almoſt in the ſame condition with the Ancient *Romans*, *Nec vitia noſtra, nec remedia eorum ferre poſſumus*, we can neither bear our

great and manifold Vices, nor the Remedies of them.

And it was the Obſervation of a Wiſe man, *Corruptiſſima Repub. plurimæ Leges*, that moſt Laws were made, in the moſt corrupted States. But then never was any People amended with Ink, and Paper, and Laws are no more, till they be put in Execution. It was good Advice which *Tiberius* gave the Senate, that they ſhould not teach the World by ineffectual Laws, what Vices were too ſtrong for their Authority; for which he gives this reaſon, That when Men had once prevailed againſt that Remedy too, *Neq; metus ultra, neq; pudor eſt*, there was neither Fear, nor Modeſty left to amend them. If we think much to Execute thoſe we already have, to what end ſhould we deſire more? If we think it burthenſome to Obey our old Laws, why ſhould we deſire to encreaſe the weight, except it be to ſhew by the breach of more, how much we deſpiſe them?

But as in the making, ſo in the executing of Laws, there will be occaſion to make uſe of much Prudence, and Diſcretion to make a dextrous Application of the General Rule to the particular inſtance, and to order the Buſineſs ſo too (if it be poſſible) that the Offender may be Reformed, and not Ruined; it is impoſſible to give

give any General Rule, or Advice in this Caſe, but it muſt be left to the diſcretion of the Magiſtrate. Only the Saying of the laſt Lord Chancellor will ever be found true. *Happy is that Government where men Complain of the ſtrict Execution of the Laws.* And if I might preſume to give the Reaſon it ſhould be this; Severity prevents Offences, whereas too much lenity encreaſeth them, and makes the Offender by Cuſtom, and Time incorrigible.

When a Complaint is brought before a Juſtice of the Peace, his firſt care muſt be to conſider diligently, whether the Caſe be within his Juriſdiction; for it is no unuſual thing for mean People to complain to them in Caſes, in which they can afford them no Relief, and it is much better to conſider this at firſt, than when it is too late; for then a Man hath betrayed his ignorance, and indiſcretion, if there happen nothing worſe.

Some Men have a cuſtom to extend their Power beyond the juſt bounds of it, that they may have the more Buſineſs; and others will not do what they might, and ought, either out of fear, or ignorance, or unwillingneſs to be Troubled; neither of theſe are good. It is unſafe, and often injurious too, to ſtretch the Juriſdiction beyond its due bounds. And it is unjuſt

on the other ſide to deny Men the Benefit of the Laws, when it is in Our Power to Right them: And therefore a Good Magiſtrate will avoid both the Extremes, and neither give his Neighbours Trouble to no purpoſe, nor ſpare his own Pains when he can ſerve his Country. And herein he will ſoon find the great Benefit of his Care to inform himſelf Exactly of his Duty, without which, it will be very difficult to determine whether he hath a right to meddle, or no; and if he thinks he hath, it will not be amiſs (at firſt eſpecially, and afterwards in all doubtful Caſes) to conſult his Books, and ſo go on or deſiſt, as he finds Cauſe. And the Safety will ſufficiently Compenſate for the Trouble.

When he is reſolv'd to grant a Warrant, it is an excellent Way to enter into a Paper Book to be kept for that purpoſe, firſt the Name of the Complainant, and of the Party againſt whom the Complaint is brought; and then the Complaint, in as few words as is poſſible, and then read them to the Complainant, that if any Miſtake hath been made in the Names, or thing, it may be rectified, and then recite all this again in the Preface of the Warrant; for I am utterly againſt all General Precepts (except it be in ſome few Caſes

Caſes which ſeldom happen) it being unreaſonable to call a man to Anſwer to he knows not what, when if the Caſe had been Expreſſed, perhaps he could have produced Witneſſes to have cleared his innocence, and ſo have prevented further Charge, and Trouble; and Mr. *Lambard* gives another good reaſon for it, *viz.* Becauſe the King's Writs do always expreſs the Cauſe of Complaint.

When the Warrant is once granted, it is not fit to hold any further Diſcourſe with the Complainant, or afterwards, till both Parties appear face to face, to prevent Prejudice, and Prepoſſeſſion; yet you ſhall have many ſuch Complainants that will endeavour to get a Promiſe from the Juſtice of Peace beforehand, that he will Determine the Caſe for their Advantage, which is directly contrary to all Juſtice, and Honeſty.

Others are as earneſt to have the Warrant retornable before the Juſtice that granted it, and no others, which ſhould never be eaſily granted, firſt becauſe it includes in it a Tacit reproach of the reſt, as not Men of Ability, or Honeſty. Secondly, Becauſe it defeats the intention of the Law, which hath made them numerous, that every man might have an impartial, and indifferent Judge; and yet if there be

good reaſon for it, it may be done; But then the Juſtice hath bound himſelf to be as kind to the other Party as he can poſſibly be, becauſe he hath deprived him of the favour he might have found from another Juſtice of the Peace.

When the Defendant appears, read the Complaint to him, and ask him what he ſaith to it; and if he confeſs it, then there will need no Proof; if he deny it, endeavour to find out the Truth, as far as is poſſible without Oaths to avoid Perjury, by croſs Examining of all Parties, and if the Truth can ſo be found out, the pains is well ſpent, but if it cannot, Oaths muſt be given.

When the Matter of Fact is once ſtated, then have recourſe to the Statutes, or Books, as the Caſe requires, and read them to the Parties, that the Law may paſs the Sentence, for this inſtructs and ſatisfies all Parties, and ſhews that you have done them no wrong, and it is of great uſe too to the Juſtice of Peace, and makes the Statutes, and Books very familiar to him; and gives him a good Aſſurance, that he hath not done amiſs.

Then Enter in the ſame Book the Appearance of the Parties, the Evidence given, and the Determination thereupon made, as ſhort as is poſſible, and diſmiſs them.

Some

Some may imagine, that this Keeping of a Book is very troubleſome, but if they would try it, they would find the contrary; when the Art of making ſhort Entries is once learned; and yet if it were, the Uſe would out-weigh the Labour. For Firſt, It inables a Man to anſwer for his Actions many years after, which were impoſſible without it. Secondly, It prevents forgetting his Buſineſs before it be ended, which many do for want of it, who bind Over men to the Seſſions, and forget the Buſineſs before they come, and then can give no reaſon for it. Thirdly, It inables a Man ſometimes to diſcover his own Errors by an after-reflexion on his own Actions, and the Reaſons of them. Fourthly, He may at any time ſhew what Sentence was paſs'd in any Caſe, by which I have ſeen new Quarrels that were ariſing prevented. And if juſt upon a Seſſions they be all read over, he ſhall have a Proſpect of all he hath done that Quarter; which will be of great uſe. I know many of theſe things are not of abſolute Neceſſity, but upon Trial, I perſwade my ſelf, they will appear ſo uſeful, that no man will repent the Experiment, eſpecially no new Beginner, who is concern'd to be more careful, becauſe he is more ſubject to Miſtake.

The *Statutes* are ſo numerous, and withal ſo variouſly Penned, that it will be impoſſible to remember them exactly, and ſo it will be neceſſary to Conſult them frequently upon all Occaſions, and in order to the ſpeedy finding them, the Table I mentioned in the laſt Section will be of great uſe, and the Juſtice, who takes theſe Methods, will find the Benefit of them ſo great in a ſmall time, that he will never leave them; but the other and ſhorter ways are ſo uncertain, and ſubject to Error, that no man can avoid committing fatal Miſtakes, who follows them.

In this Part of our Buſineſs Two things are to be avoided, Unneceſſary Delays, and Precipitated Haſt.

There is very little difference betwixt *denying*, and *delaying* Juſtice; only the latter is leſs injurious, for then the Party may go to another Juſtice, or deſiſt, without much Expence of time, which is of great value to Poor Men; whereas the making them dance Attendance from time to time to no purpoſe, may do them more Wrong than that of which they complain. And an Over-haſty Determination of a thing before it be well underſtood, is no leſs injurious; and therefore carefully to be avoided.

I will

I will Conclude this Section with a few Excellent Rules of the Lord *Bacon*'s.

1. *Seek to make thy course Regular, that Men may know beforehand what to Expect: but be not Positive, and Peremptory.*

2. *Express thy self well when thou goest from thy Rule.*

3. *Imbrace and invite Helps, and Advices touching the Execution of thy Place: and do not drive away such, as bring thee Information as Medlers; but accept of them in good part.*

4. *Give easie access.* 2. *Keep times appointed.* 3. *Go through with that which is in hand.* 4. *And interlace not Business but of Necessity.*

I will only add this, that what I have Written in this Section, is intended only for the private Hearing in the Hall, and no where else in the main; and that it is offered to Consideration, and not prescribed as of Necessity.

SECT.

SECTION X.

of Oaths.

AS the Juſtice of Peace enters his Office with the taking Three ſeveral Oaths, which are included in the *Dedimus Poteſtatem*, viz. The Oath of Supremacy, and of Allegiance, and that belonging to his Office; So he hath very frequent Occaſions to Adminiſter Oaths to others in the Execution of it; and therefore it befits him to ſtudy well the Nature, and Obligation of an Oath, that he may Preſerve himſelf, and others (as much as in him lyes) from the Sin of Perjury.

It might therefore not ſeem impertinent to Diſcourſe ſomething of both of them in this place, but that more Learned men than I, have prevented me in it, and it is impoſſible for Me to ſay any thing, which hath not been ſaid before on this Account.

Inſtead of which, I am rather inclined to deplore the Miſeries of the Age, and Nation in which we live; for it may be that ſince the Creation of the World, there is not one to be found in which Perjury and Diſregard of the Obligation of all Oaths, have taken ſuch Deep rooting, and become ſo Epidemical, and General.

If

If we inquire into the Reaſons of it, we ſhall find two, which have contributed eſpecially to it, Factions, and Irreligion.

The Popiſh Faction led the Way, and long ſince by Papal Diſpenſations taught Chriſtians to play faſt, and looſe with thoſe dreadful ties, which honeſt Heathens revered, and trembled at; and to Uphold their tottering Greatneſs, Decreed at laſt, That *Faith was not to be kept with Hereticks*; a Doctrine which they have ſince moſt religiouſly obſerved, when it hath been ſafe as they thought, whether to their greater Infamy, or Dammage, I ſhall not now inquire.

The Diſſenters at length imbraced (in the beginning of our late Confuſions) the ſame Opinion, and being to undertake a War againſt their King; were Neceſſitated to abſolve themſelves from the Oath of Allegiance they had made to him, and afterwards the ſame Neceſſity brought them to take the *Covenant* which was contrary to that Oath, the *Engagement* which was contrary to both; and ſo on they went Swearing Contradictions, and impoſing them upon the People, till no body did any longer regard what they Swear to, and they became ſo Perfidious too, and diſtruſtful of each other, that this Perfidy and Perjury in which they had put their greateſt

greateſt truſt by a juſt Judgment of God upon them, ruined all their Deſigns, and brought their Affairs into ſuch Confuſion, that they were forced to Submit to His Majeſty, and accept a Pardon from him, whom they had abjured, but a few Months before.

But the Nation being once infected with this Leproſie of Perjury, thô one cauſe was gone, the War, yet the Factions kept up the Diſtemper; partly to ſecure themſelves againſt the Laws made againſt them, and partly in hopes to make great uſe of it in another Revolution, which they have lived in Expectation of ever ſince.

So they Minted new Doctrines, That it is better to Truſt God (*i. e.* to try whether he will be as good as his Word, and Puniſh them for falſe Swearing) than Man. That it was a leſs Sin (if it were any) for a Man to forſwear himſelf, than to betray a Godly Brother to the Wicked, or to inform againſt him to his loſs.

And as they taught, ſo they practiſed, they took all Oaths, and kept none; And if any body was ſcrupulous, and fearful, they tried what Perſwaſion would do; if that failed, they fell to cloſe Revenges, Defamations, Suits at Law on other Pretences, and all the Ways they could, till at laſt partly for Love, partly for Fear, they brought

brought incredible Numbers of Men to Perjure themſelves for them.

Thus our *Ignoramus* Juries, our Perjured Conſtables, our Conforming-Nonconforming Miniſters, our Sacramentary diſtinctions into Legal, and Spiritual Sacraments; our Moderate Magiſtrates ſo call'd, and our Journeyman Freemen were produced.

So that by degrees things are now come to that paſs, that no man can tell how to truſt his Life, his Honour, his Fortunes, to the truth of a Witneſs, or Jury; for Men have learned to ſerve themſelves in their private Concerns of the ſame Engine that have wrought ſuch wonderful Effects in the Publick; and the Contagion hath ſpread it ſelf ſo vaſtly, that there is hardly any ſecurity left.

Nor have the Dreadful Judgments of God upon the firſt Inventers, the learned Writings, and Sermons of the conformable Clergy, nor any thing elſe that could yet be thought of been able to put a ſtop to it.

Nay the Atheiſm, and Irreligion, which the Obſervation of all this impious Villany hath produced, joyned with the Debauchery of the Times, have given a great increaſe to it; ſo that now not only the demure Hypocrite forſwears himſelf for the

the Glory of God, and the Good of his Children; but the Atheiſt, when there is occaſion, doth it by their Example, for his Own ſweet ſake, and his Friends.

But what will be the Effect of all this? Without Oaths there can be no Adminiſtration of Juſtice, no Determination of Controverſies, and without Truth, and Honeſty in thoſe Oaths, there can be as little Juſtice in the Event. That Perjury that did a man a Kindneſs to day, may ruin him to morrow, and in probability will do ſo. Beſides, no man almoſt can mannage a Perjury ſo cunningly, but that it will be known, not only to God, but to ſome Men, who will afterwards diſtruſt and hate that Man to the day of his Death; even the Party, for whom he did it, will be forever after jealous of him. So that a Man that is once guilty of this Sin, if he be not proſecuted for it by Publick Juſtice, will yet be infamous, and ſuſpected by all his Neighbours; ſo that if Men were Wiſe, thô they did not fear God, yet to avoid the Hatred, and diſtruſt of Men, they would avoid this deteſtable Sin of Perjury.

But if they could conceal it from the Knowledge of all Mankind, can they deceive their own Conſciences too? no ſure; and if they did but mind it, they ſhould find

find many, who have afterwards had ſo deep and grievous a ſenſe of this Sin, that they have put an end to their own Lives to eſcape the fury of it, others have died Diſtracted, and Diſpairing, and thoſe, that have recovered by the Mercy of God, have yet many of them lived miſerable, unfortunate, uncomfortable lives ever after.

And after all this the Judgments of God Almighty come up in the Reer with a Vengeance ſo much more heavy as it is the ſlower. It is obſerved by the Author of the Wiſdom of *Solomon* (*Chap.* 14. *v.* 30, 31.) that thoſe Heathens, who ſwore falſly by their Idols, were yet for thoſe Perjuries puniſhed by the true God. *For it is not* (ſaith he) *the Power of them by whom they ſwear: but it is the juſt Vengeance of Sinners, that puniſheth always the offence of Sinners.* If the true God ſeemed thus careful to preſerve Religion amongſt Men by avenging the Injuries, that were done to falſe Gods by thoſe that worſhipped them as true, which he often did in pity to the deceived World, becauſe without Religion Communities would degenerate into Bands of Thieves and Herds of Beaſts, each one preying upon another, and keeping no more Faith, than Neceſſity could enforce, (as is well obſerved by the Author of *The Life of* Agathocles) than by a

neceſſary Conſequence he is much more obliged to aſſert his own honour baſely abuſed by Pretended Chriſtians, and we may be ſure he will, for he hath never yet failed to do it.

How many Princes truſting to the Papal Abſolutions have been deſtroyed by their own Perjuries? what did the Emperor gain by the breach of his Faith at the Council of *Conſtance*, or any other Prince ſince? what did our Diſſenters Gain by all their Perjuries between 40 and 60? what are they the better for all thoſe they have procured or abetted ſince, is not the hand of God againſt them in all they undertake, defeating all their Projects, and Deſigns, and making them every day more Odious, than others?

For my part, I do not fear that perjurious Projects will ever prevail, or do any body any good: but the Crime being ſpread ſo vaſtly, I fear a National Judgment, a Calamity that ſhall be as general as the Sin, and then no man will be free from ſuffering the ſad Effects of it, thô thoſe that have procured it, will ſmart moſt by it; and this is enough to oblige every good Man, that loves his Countrey, (eſpecially all Magiſtrates) to ſtand in the gap, and to prevent the further Growth of it, as much as is poſſible by diſcountenancing

nancing it, and puniſhing it too, as occaſion ſerve.

Some are of Opinion, this Sin might be ſtopped by a ſevere Law againſt it, but I am of another mind; and I heartily believe more innocent than guilty Men would ſuffer by it, if we had ſuch a Law, becauſe theſe wicked Wretches make Parties to uphold one another, and will lay things ſo well together, that it is almoſt impoſſible to diſcover the Cheat; and then as for Oaths to prove them, that they never want; whereas good Men are not ſo vigilant, ſuſpecting as little ill, as they mean, and ſo would be more expoſed to the force of ſuch a Law.

But as for Publick Officers (eſpecially Conſtables, and ſuch like) I wiſh together with their Oaths they might be compelled to enter a Recognizance of the ſame Condition with their Oaths, which if it were but of ſmall value as X, or XX *lib.* it would work much upon them, and in a great meaſure put a ſtop to this Impiety; for ſome that do not reverence an Oath wou'd yet fear to forfeit their Recognizance, and in time Religion would return and take away the neceſſity of ſuch double Obligations.

As for Private Concerns there is excellent proviſion made by a late Statute,

29 *Car.* 2. *Cap.* 3. and the extending it to a few more particulars might be very uſeful; and till this can be done, Men muſt commit as little, as is poſſible to Verbal Teſtimonies, by taking all things they can in Writing.

2. Another of the beſt, and moſt effectual means that is left to ſtop this inundation of Perjury, is for Magiſtrates to expreſs a great deteſtation of it, not only by their words, as Occaſion ſerve, but by their Actions too, by ſhewing themſelves to be exceeding Careful not to do any thing, that is contrary to their Oaths, and ſometimes giving that for a reaſon of it; for that makes a greater impreſſion upon the Minds of Men, than any words without it, becauſe it is at once a Verbal and a Practical Declaration, and their Authority will make it the more taken Notice of and regarded.

The Oaths of Supremacy, and Allegiance are ſo frequently Adminiſtred, that I need not take any further notice of them here, but that which more immediately concerns the Juſtices of the Peace, is as followeth.

YE ſhall Swear that as Juſtice of the Peace in the County of C. *in all Articles in the King's Commiſſion to you directed, you ſhall do Egal Right to the Poor, and to the Rich, after your Cunning, Wit and Power, and after the Laws and Cuſtoms of the Realm, and Statutes thereof made: and ye ſhall not be of Councel of any quarrel hanging before you: and that ye ſhall hold your Seſſions after the form of the Statutes thereof made. And the Iſſues, Fines and Amerciments that ſhall happen to be made; and all Forfeitures which ſhall fall before you, ye ſhall cauſe to be entered without any Concealment (or imbeſilling) and truely ſend them to the King's Exchequer; ye ſhall not let for Guift, or other Cauſe, but well and truly you ſhall do your Office of Juſtice of the Peace in that behalf: And that you take nothing for your Office of Juſtice of the Peace to be done, but of the King, and Fees accuſtomed, and Coſts limited by the Statute: And ye ſhall not direct, nor cauſe to be directed any Warrant (by you to be made) to the Parties, but ye ſhall direct to the Bailiffs of the ſaid County, or other the King's Officers (or Miniſters) or other indifferent Perſons, to do Execution thereof.* So help you God.

You ſhall do Egal right] the very way of Writing which word Egal inſtead of Equal, ſhews this Oath is of great Antiquity, and that it hath been very carefully Tranſcribed, when there have been ſo much ſcruple made of changing a *G.* into a *Q.* according to the Latin, and our preſent Authography, and it would be a burning ſhame to us, if we that are Sworn ſhould be leſs careful of the Articles in it, than the Clerks have been of the Letters.

And that ye ſhall hold your Seſſions] how they can Anſwer it, to God or Man I know not, who reſide in any County; or act as Juſtices of the Peace in it, and yet never appear at any Seſſions by the ſpace of many years together, without any lawful excuſe, or hindrance, or thoſe who come and ~~take~~ give the King's Wages, and before half the Buſineſs is done, betake themſelves to the Tavern, leaving two or three to finiſh, and conclude the Buſineſs; ſo that if any Controverſie ariſe, it muſt be left to another time, or ended as it can, rather than as it ought, it is true neither of theſe Diſorders can be Puniſhed by the Court, but then it is becauſe the Law ſuppoſeth, that Men of that Quality will not need it, but will religiouſly obſerve their Oath, ſo that the fault is ſo much the greater; becauſe

cauſe it cannot be Puniſhed, but by God only.

I ſhall not make any more Reflections on this Oath, becauſe this whole Diſcourſe is but a kind of Commentary upon it, and whatever I have omitted is taken notice of by *Lambard*, and other Writers.

But the Care of a Magiſtrate ends not in himſelf, but is to extend to Others, and therefore he ought to take great heed, that he miniſter none, but Lawful and Neceſſary Oaths. Secondly, That if he find Men ignorant, he give them good Advice, and ſharp Reproofs in caſe of the leaſt failure.

By Lawful Oaths, I mean ſuch as the Laws, and Cuſtoms of *England* will allow him to give; and therefore before he take an Oath, he ought to conſider whether he have Power to do it; for thô he hath a great, yet he hath not an unlimited Power, as is manifeſt by that Parentheſis which is ſo frequent in our Statutes (*which Oath the ſaid Juſtices are by this Act Authorized to Adminiſter*) which is repeated almoſt, as often as a new Power is given them, and for the moſt part in theſe very words. And yet I doubt not, but when good Reaſon requires where ever they may Hear and Determine, they may do it upon Oath

thô the Statute doth not ſo Expreſs it; for they are to take the beſt care they can that they be not deceived in what they do by falſe Information, to which end an Oath may be ſometimes abſolutely neceſſary.

But Magiſtrates are not only to avoid Giving Oaths in all Caſes where they have no Authority; but alſo in as many of the reſt, as they can; I have read that the *Turkiſh* Country-Magiſtrates which are like our Juſtices of the Peace, Determine almoſt all Caſes without Oaths, and yet (if they are not corrupted by neither Party) will by Queries, obſerving the looks of Men, when they Anſwer. Laying things together, and comparing one thing with another, and by making all the ſeveral Parties tell the Story one after another, or ſo much of it as they know, by theſe, I ſay, and ſuch like Methods, they will ſo pick out the Truth, that no Oath could do it half ſo well. Now I know this Way is troubleſome, and will take time, but it will diſcover the Truth ſometimes, when Oaths would not, and ſave the Perjury too, and ſo is worth the while. And I have obſerved alſo, that Men who are in Paſſion one againſt another, do little regard the Religion of an Oath, and yet their very

very Paſſion will diſcover the Truth without one, if a Magiſtrate will have but a little Patience, and give them time and liberty of Speech: but on the contrary, Men do generally revere an Oath when they are quiet, and undiſturbed, and a Magiſtrate may beſt give an Oath when they are in that temper, and rely upon the truth of what they ſay.

Secondly, Oaths would not be given in things that are not of ſome Moment; It is good to hear what a Perſon can ſay before he is Sworn, and if it be nothing to the purpoſe, then not to Swear him at all; but if it be, then to Swear him, and bid him tell the Story the ſecond time, and obſerve if he vary, by which means the Truth may be often found out.

Thirdly, It is good to bring things into as narrow a compaſs, as is poſſible by obſerving, wherein the Parties agree, and wherein they differ before any Oath be given, and this will determine many Caſes without an Oath, the Parties agreeing at laſt about the Matter of Fact; and if it will not, that only in which they differ is to be proved upon Oath, which will be liable to leſs hazard of Perjury than the whole.

If

If the Juſtice of Peace obſerves the Party who is to take an Oath be ignorant, or young, it is good to ſhew him the Nature of it in ſhort plain words, and to tell him the Danger, and great Sin of Perjury, and how ſevere God is againſt it, and for that purpoſe to Alledge the Third Commandment, or ſome other ſuch like ſhort place of Scripture, which will have great effect upon untainted minds.

If he finds at any time after an Oath given, that any thing is ſpoken that is not truth by the Party Sworn, it is good to give the Party a grave ſharp reproof at leaſt.

It is an uſual thing not to grant a Warrant of the Peace, but upon Oath that the Party who requires it, doth not do it upon Malice, but purely out of fear. Yet if it be well obſerved, there will be found many Inſtances of Perjury in that caſe. And therefore I think it were much better to grant a Warrant to ſhew cauſe why the Surety of the Peace ſhould not be granted, and ſo Examine the pretended fear when both the Parties are face to face, than to purſue the old Method of Swearing the Complainant, and then making the Warrant abſolute; Eſpecially, if

there

there be not a grievous hurt, or ſome other apparent cauſe for it. I have often found by this way of proceeding, that I have prevented Perjury, and delivered an Innocent, and ſometimes an Injured Perſon from Vexation; for it is no unuſual thing for ill Men to Swear the Peace againſt others by way of Prevention, when they have given them too much cauſe to do it to themſelves: and at other times by way of revenge; when they have for good cauſe been forced to find Sureties. Now in ſuch inſtances as theſe, it is good to prevent men from being actually forſworn, even when they are too much diſpoſed to it.

And when all this care is taken, there will be many Perjuries committed, how much more when there is none of it? But the Juſtice of the Peace when he hath done what he could to prevent it, may comfort himſelf, and believe that God will not lay another mans Sin, which he could not hinder, to his Charge: but if he Swear men raſhly, and without due precaution, he as well as they muſt without doubt bear a part of the blame in the ſight of God.

The Concluſion.

AND now I have with the greateſt brevity I could, run thorough all thoſe Particulars, I thought fit to Diſcourſe on, in relation to my Subject, and thô it might have been better done by an abler Perſon, yet never did any man enter upon any thing with more ſincere, and candid intentions for the Publick good.

And all that remains, is to perſwade thoſe that are or ſhall be **Juſtices of the Peace**, to reflect ſeriouſly upon what I have Written, and then if they do not approve of my thoughts, they may yet give them occaſion of others, and in all likelihood much better, and it may alſo poſſibly excite ſome other Perſon to do it better, and ſo oblige the World, and me in the firſt place.

But in the mean time, I humbly beſeech all Magiſtrates, that they would ſeriouſly conſider Three things:

Firſt, That they are the Miniſters of God, and that is ſo honorable a Title, that *Conſtantine* the Great took much Pride in it; but then it will become them

them, that Wear it to act as ſuch, for God is a ſevere Judge of Unprofitable Servants, and much more of ſlothful and wicked ones, for whom he hath provided a Puniſhment equal to the greatneſs of their offence, and the diſhonour they do him.

And on the other hand, none ſhall enjoy more happineſs in Heaven, than they who have not only been good themſelves, but have laboured to make others ſuch, by governing them with Prudence, and Diſcretion here on Earth.

Secondly, They are the Repreſentatives of their King, and it is the greateſt Diſloyalty, and Infidelity imaginable to pretend to Serve him, and then Diſhonour him to his People, and deceive him in the Truſt repoſed on them.

Thirdly, The People whom they are to govern, will certainly riſe up in Judgment againſt them, if they miſlead or miſuſe them; for thô perhaps they cannot help themſelves for the preſent whatever injuries they ſuffer, yet their Redeemer is mighty; and with him is no reſpect of Perſons.

And when all this is ſeriouſly thought of, I do not fear that they will treat their

Monitor

Monitor unkindly, who had no other design in this, than to make them happy here, and hereafter, by exposing those Vices that prevail more in general, upon Men for want of Precaution, than out of any Affection they have to them.

A Prayer.

O Thou who art the Soveraign Judg of the World, ſeeing it hath pleaſed thee to call me into the Number of the inferior Judges in it, Grant, that I may adminiſter Juſtice truely and indifferently, to the puniſhment of Wickedneſs and Vice, and to the maintenance of thy true Religion and Virtue. And, to that end, enlighten my Underſtanding, that I may chooſe what is Juſt, and Right in thy ſight, without reſpect of Perſons; and purſue the ſame with Courage, and Induſtry. Quiet all Diviſions amongſt us, that we may not hinder each other, nor diſhonour thee by our Contentions. Set a Watch, O Lord, before my Mouth, and a Door with a Guard about my Lips. Give me a meek, patient, humble ſpirit, that I do nothing through Strife, or Vain-glory, but that I may patiently hear, and ſubmit to the reaſons of others. And finally, in all things direct thy Servant into thoſe things which may tend moſt to thy Glory, the good of thy Church, the Service of our Soveraign, and the Peace and Happineſs of my Country, that when I ſhall appear before thy Tribunal to receive an Eternal Sentence, I may not periſh forever, but that thou mayeſt Remember me for Good, and ſpare me in that day. Grant this, O Bleſſed Judg and Saviour, for thy own ſake. Amen.

FINIS.